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TRANSACTIONS

OF THE

ROYAL HISTORICAL SOCIETY

PRESIDENTIAL ADDRESS

Read 15 February 1941

By Professor F. M. Stenton, M.A., D.Litt., Litt.D., F.B.A.

The Historical Bearing of Place-Name Studies: The Danish Settlement of Eastern England

For many years, the Scandinavian place-names of northern and eastern England have been regarded as valuable materials for the historian.[1] Their number is so large, and they present so many features which point unequivocally to their origin, that their general significance has long been apparent. Sixty years ago, the broad outlines of their distribution were already clear enough to be used in the reconstruction of unrecorded history, and, mainly through the work of J. R. Green, they were beginning to pass into the familiar body of knowledge about the pre-Norman age.[2] The concentrations of Scandinavian names

[1] As the title of this address shows, it relates almost exclusively to eastern England, and in particular to the country within which successive detachments of the Great Army of 865 found a settlement between 876 and 880. In referring to words and personal names, I have given them, whenever possible, in a West Scandinavian form, partly because of its greater familiarity, and also because English place-names preserve traces of many sounds, especially diphthongs, which can be recognised more easily in Old Norse than in Old Danish or Old Swedish.

[2] The fullest modern account of the distribution of these names is given in the chapter on the Scandinavian settlements by E. Ekwall in *An historical geography of England*, ed. H. C. Darby (1936), pp. 140–54.

on the fringe of Cleveland and in the central plain of Yorkshire, in Lindsey and Leicestershire, and around the estuary of the Yare, are all indicated in the *Conquest of England*, published in 1883. The essential fact that these names are characteristic of the regions settled by the Danish armies of King Alfred's time was well established, and has lain in the background of most that has since been written about the bearing of this settlement on the evolution of Old English society.

On the other hand, the detailed study of these names had scarcely begun in 1883. Few extensive collections of early forms had been made, and in some important counties, such as Lincolnshire, the preliminary work of identifying ancient place-names was still, in great part, to be done. It was not until the end of the century that the publication of records had gone far enough to make possible the systematic investigation of place-names in any part of England. The two studies which foreshadow the direction of future work in this field—the monographs on the place-names of Cambridgeshire and Staffordshire by W. W. Skeat and W. H. Duignan—only appeared in 1901 and 1902. Eight more years passed before a book of the same kind was produced on the names of a region in which the Danes had settled intensively. F. W. Moorman's *Place-names of the West Riding of Yorkshire* [1] suffers from inadequate documentary evidence and from the lack of comparative material relating to other counties. But it anticipates in an incidental way a number of conclusions which later writers have demonstrated at length, and many of its tentative conclusions have since been confirmed. It was a pioneer undertaking, and its value has often been underestimated.

In 1910 and 1912, there appeared two volumes of a more technical sort which gave a new precision to research on Anglo-Scandinavian place-names. E. Björkman's *Nordische Personennamen in England* indicated for the first time the number and the interest of the Scandinavian personal names

[1] Leeds, 1910 (Publications of the Thoresby Society, vol. xviii.).

which are recorded in English sources.[1] H. Lindkvist's *Middle English place-names of Scandinavian origin* expressed what its author justly claimed to be ' the first attempt ever made at classifying phonologically and analysing etymologically the valuable linguistic material deposited in the ancient Scandinavian place-nomenclature in England '.[2] Apart from their intrinsic value, these studies are interesting as signs of the way in which Scandinavian scholars were turning towards the investigation of English place-names. Within a decade, they were followed by the first of the books in which Professor Ekwall has applied the results of linguistic inquiry to the disentanglement of the various racial strains in the English people. In 1918, his *Scandinavians and Celts in the north-west of England* demonstrated the importance of the Norse-Gaelic element in the early medieval population of the shires between the Solway and the Mersey. In 1922, his *Place-names of Lancashire* provided materials for the more detailed analysis of a society in which Britons and Angles, Danes, and Norwegians from Ireland, formed the most elaborate racial complex in England. The place-names of the north-western shires still present many unsolved problems, but the lines along which they may best be approached were finally made plain by Ekwall's work.

Meanwhile, investigation was proceeding into the place-names of the country to the east of the Pennine divide. Allen Mawer's *Place-names of Northumberland and Durham* appeared in 1920. These counties, like those of the north-west, lay outside the Danelaw, but they contain a number of names which indicate sporadic Scandinavian settlements of the ninth or early tenth century. Since 1924, when the Survey of English Place-Names began publication, it has

[1] Halle, 1910. In 1912, Björkman published a supplement to this work entitled *Zur Englischen Namenkunde*, in which the material is largely derived from early forms of place-names.

[2] Uppsala, 1912. This work, which contains an introduction and deals with names preserving Old Scandinavian inflexional forms or vowels, was intended by Dr. Lindkvist to be followed by a second part discussing the consonantal side of the evidence, and offering some general conclusions. Unfortunately, this second part has never been published.

produced four volumes on counties where the evidence for such settlements is strong—on the North and East Ridings of Yorkshire by A. H. Smith (1928 and 1937), and on Northamptonshire (1933) and Nottinghamshire (1940). Until detailed surveys of Lincolnshire, Leicestershire, Derbyshire, and, in particular, East Anglia have been published, there will be many questions about the distribution, the structure and the development of Anglo-Scandinavian place-names to which no final answer can be given. The Danish Place-Name Commission has so far published little on the districts from which most light on English place-names may be expected. Even so, work on the place-names of Danish England has already reached a point at which it is beginning to foreshadow a few general, if tentative, conclusions.

It is already clear, for example, that the intensity of Scandinavian settlement in any district should not be measured in terms of village names alone. It is true that if England is regarded as a whole, the main lines of the settlement are indicated plainly enough by the distribution of Scandinavian village-names. But in many districts where the village names are mainly English, traces of Scandinavian influence begin to appear as soon as research is carried down to the names of fields and farms and woods. Research of this kind is hampered by the wholesale disappearance of ancient field-names, and by the frequent difficulty of finding medieval forms for those which still survive. But there are districts in which its results are conclusive. In Northamptonshire, for example, there are few traces of alien settlement in the village-names of the country between Kettering and Market Harborough. It is only when the early forms of local names have been sought out [1] that Eckland appears as an Old Scandinavian *eiki lundr*, 'oak-grove', Loatland, as *lauta-lundr*, 'grove by the hollows', Gaultney Wood, as a compound of O.N. *gǫltr*, 'boar' and

[1] For the minor Scandinavian names of this district see *The place-names of Northamptonshire* (E.P.-N.S.), pp. 110–21 and 283.

klint, 'slope', and Storefield Lodge, as the representative of a medieval *boscus de Storth*, where *Storth* is clearly the O.N. *storð*, 'brushwood'. It is only the survival of a tenth-century charter which proves that in Debdale, the Scandinavian *dalr* has replaced the old English *denu*, 'valley'. It is necessary to go behind the information recorded on modern maps to recover the field-names Ravenland, Copeland, and Hesland, which severally go back to the old Norse *hrafns lundr*, 'raven's grove', *kaupa land*, 'purchased land', and *hesli lundr*, 'hazel grove'. Of the rarer compound *Scaleberg* which is indistinguishable from the old Norwegian *skála berg* and means 'hill marked by a hut or huts', the only record seems to be a twelfth-century final concord. Most of these are woodland names, and it is unlikely that any of them go back to the original Danish occupation of Northamptonshire. What they prove is that the Danish influence in the country where they are found was strong enough to colour the names ultimately given to its remoter woods and fields.

It is only in recent years that intensive work has been done on this material, and there are many districts in which it has hardly been explored as yet. But it is already clear that by the early Middle Ages the peasant vocabulary of the whole Northern and Eastern Danelaw had acquired a distinctive character through the incorporation of Scandinavian loan-words. Even in the small county of Nottingham, where the charter evidence is not of the first quality, between thirty and forty of these words can be collected from field-names recorded in medieval documents.[1] They include *kiarr* and *mýrr*, 'marsh'; *holmr* and *eng*, 'meadow'; *deill*, a 'share' or strip in the village meadow or arable [2];

[1] *The place-names of Nottinghamshire* (E.P.-N.S.), p. 275 *et seqq.*

[2] There are many examples in the Danelaw of a compound of *deill* and the Scandinavian *vǫndr*, 'wand'. It generally occurs in the plural form *wandailes*, and has produced the somewhat common farm-name Wandales. It denoted a tract of open-field arable in which each individual *deill*, or strip, was measured by a wand. The custom of preserving the integrity of the strips by periodical measurement against a wand survived until the

flat and *vangr*, a group of parallel strips; *stǫng*, at first, a pole used for the measurement of land, and then, by extension of idea, an acre; *þveit*, a clearing or paddock; *garðr*, a small enclosure; *hlaða*, a barn; *bōþ*, a booth; *topt*, an enclosed plot, generally containing a house; *vrá*, a nook or corner of land; *slehta*—the 'sleight' of medieval dialect—a flat meadow; *brot*, which usually denoted a piece of land detached from the main area under cultivation; *skógr*, *storð*, and *lundr*, 'wood' or 'grove', in various senses; *hǫgg*, wood or coppice reserved for timber; *hagi*, enclosed wood, usually held in severalty; *buskr*, 'bush'; *gata*, 'road'; *vað*, 'ford'; *bekkr*, 'stream'; *kringla*, a curling watercourse or other natural feature; *krókr*, a bend; *skarð*, a notch in a line of hill; *gryfja*, a cleft or deep valley; *nabbi*, a point. A much longer list could easily be made for counties where the Scandinavian invaders had settled more thickly. Early documents from the East Riding of Yorkshire add to this series *greinn*, 'fork' or 'division'; *geiri*, spear-shaped corner of land; *marr*, 'pool'; *slakki*, 'valley'; *kelda*, 'spring'; *brekka*, 'slope'; *skáli*, 'shed'; and *skora*, 'cutting'.[1] A high proportion of these words remained in use throughout the Middle Ages,[2] and many of them are frequently compounded with English nouns and adjectives,[3] and English, or even continental personal names. But there can be no question as to the strength of the Scandinavian influence which, in themselves, they represent. They reflect the speech of the ordinary

late 18th century in north Nottinghamshire, where the customary wand was 14 feet 6 inches. (Cf. R. Thoroton, *The Antiquities of Nottinghamshire*, ed. J. Throsby, 1796, vol. iii, p. 292).

[1] *The place-names of the East Riding of Yorkshire* (E.P.-N.S.), pp. 319–329.

[2] Thus a Rufford Abbey charter of *circa* 1200 (Harl. M.S., 1063, fo. 48b) speaks of land *in frutectis et haithes* at Eakring, Notts, where *haith* is clearly the Old Scandinavian *heiðr*, 'heath'.

[3] Another charter from Rufford Abbey has preserved the curious hybrid *Aistrengesmedua*, in which the English *meadow* has been added to an earlier compound of *eng* and *eystri*, 'eastern' (Harl. MS., 1063, fo. 48b).

countryman, and they illustrate every aspect of the rural scene.[1]

On the other hand, there was no part of England from which the Danish settlers entirely displaced the earlier English inhabitants. Even in the districts where the signs of Danish settlement are clearest, innumerable English field-names appear in medieval records.[2] In the south of the vast region which formed the twelfth-century Danelaw, the Scandinavian element in field-names is almost negligible. The extreme rarity of Scandinavian field-names in such counties as Bedfordshire and Hertfordshire is undoubtedly significant. It suggests very strongly that the Scandinavian occupation of these counties had been carried out in the main by chiefs whose followers were few. So far as can at present be seen, the field-name evidence for intensive Danish settlement in eastern England is confined to Yorkshire, the territory of the Five Boroughs, Northamptonshire, and certain parts of East Anglia.

In regard to this part of England, it is unusually difficult to reach definite conclusions about the date at which field-names came into being. Pre-Conquest charters are rare, and there are very few of those detailed boundary-surveys which illustrate habits of name-formation in other districts. It is not until the middle of the twelfth century that private charters become numerous, and field-names are scarce in the earlier of these documents. It can only be said that the field-names which they happen to preserve give the impression of a nomenclature which was already long-

[1] In the aggregate, a considerable number of Scandinavian words are found in field-names outside the Danelaw. There was a certain amount of early Scandinavian settlement in the east of English Mercia, and there was constant intercourse between English and Danish territory. But there is no doubt as to the significance of the contrast between the strength of the Scandinavian vocabulary in Northamptonshire and its meagreness in Warwickshire, on the English side of Watling Street. For its character in the latter county see *The place-names of Warwickshire* (E.P-N.S.), pp. xxi–xxiv.

[2] As in the great collection of Lincolnshire charters contained in the *Registrum Antiquissimum* of Lincoln cathedral, now in course of publication by the Lincoln Record Society.

established. Much stress has recently been laid on the conservatism of the Scandinavian dialects represented by the village-names of the Danelaw. The Scandinavian field-names of this country show the same tendency towards the preservation of ancient linguistic features. A number of Scandinavian words appear in English field-names in forms more ancient than are found in any Scandinavian language. The word 'sleight', for example, corresponds to the Old Norse *sletta*, but it preserves a primitive guttural which had been assimilated to the following *t* before the word appears in Scandinavian sources. On the whole, the Scandinavian field-names and village-names of the Northern and Eastern Danelaw seem to represent the same stage of linguistic development, and there is no reason to doubt that in the mass of field-names contained in medieval records there is a stratum which goes back to the latter part of the ninth century.

In any case, these names give a valuable indication of the general character of the settlement from which they arose. The language of agriculture and country life is not easily changed. The evidence of place-names shows that southern Northumbria, eastern Mercia, Lindsey, and East Anglia had supported a large population of English farmers before the Danish wars began. Throughout these regions, the terminology of country life—the words applied to the accepted divisions of fields, woods, and meadows, to different kinds of land, and to peculiarities of local feature—must have been established for two centuries, or more, before the age of Alfred. Nothing but a settlement on a scale which amounts to colonisation could have introduced a mass of alien words and phrases into this familiar vocabulary. The strength and variety of the Scandinavian element in the field-names of this country point unmistakably to an occupation in which the ordinary fighting-men of the Danish armies had taken part. For many years, if not for many generations, the local nomenclature of these newly settled shires must have been highly unstable. It was not until

the fourteenth century that the Scandinavian *birki-lundr* finally supplanted the English *byrce-wudu* as the name of the part of Sherwood Forest which is now called Birklands.[1] But the number of the Scandinavian words in local field-names, and the signs of antiquity which many of them show, prove that the Anglo-Saxon Chronicle was accurate in its statement that after Halfdan had divided Northumbria among his men, 'they remained to plough and make a living for themselves'.

These conditions have an important bearing on the process which by the early Middle Ages had given a Scandinavian form to many village-names of English origin. Most of the names in which this change has taken place occur in districts where the general nomenclature of the country is predominantly Scandinavian. There is no need to search for Scandinavian field-names in order to understand why *Scirleah* in the East Riding of Yorkshire has become Skirlaugh instead of Shirley; *Acleah* in Kesteven, Eagle instead of Oakley; *Scirgerefantun* in Nottinghamshire, Screveton instead of Shrewton. But some of the names which have undergone changes of this type are found in regions where there are few other obvious signs of Scandinavian occupation. The first element of the name Scaldwell in Northamptonshire is an Old English adjective *sceald*, 'shallow', and the initial *sk*-sound can only be due to Scandinavian influence. The village-names in the immediate neighbourhood are all English. The local field-names which are of any age are unfortunately few. But among those which have survived there are traces of Scandinavian speech which show that here, as in the woodlands beyond Kettering, a few miles away, there had been Scandinavian settlements of a much more intensive kind than would be inferred from the major names of the district.

Research into field-names is complicated by a number of special difficulties. It is never easy to collect a complete series of medieval field-names for any particular district,

[1] *The Place-Names of Nottinghamshire*, p. 77.

and it is rarely possible to trace the history of a single field-name through the centuries in an adequate succession of early forms. In drawing conclusions from place-names in general, it is generally convenient to treat field-names and village-names as separate types of material. Nevertheless, the distinction is essentially artificial. Everywhere in England, a large number of village-names originally denoted natural features near which men came to live in course of time. In the Danelaw, many Scandinavian village-names are of this kind. Some of them actually occur as field-names elsewhere in this region. Aiskew in Yorkshire, which goes back to an Old Scandinavian *eiki-skógr*, 'oak-wood', is identical with the *Eikescoh* which appears as a field-name at Messingham in Lindsey.[1] Among other names of the same type, Rowland in the Peak of Derbyshire stands for an Old Scandinavian *rá-lundr*, 'roe-deer wood', Eakring in Nottinghamshire, for *eik-hringr*, 'oak ring', Thrunscoe in Yorkshire, for *þyrni scógr*, 'thorn wood'. Thonock in Lindsey, is a compound of *þunnr*, 'thin' and *eik*, 'oak'. Thirsk, to all appearance, represents an Old Swedish *thræsk*, 'marsh' or 'fen'. Occasionally, a village-name illustrates the first stage in the occupation of a new site. *Scogerbud*, the Domesday form of the name of Scorborough in the East Riding, is a good reproduction of an Old Scandinavian *scógar-búð*, which means 'booth in the wood'. But cases like these are not numerous, and in general there is little to be gathered from the Scandinavian village-names of the Danelaw about the local conditions which brought them into being.

Among the great mass of these village-names, a special interest belongs to those which contain words denoting places of settlement or habitation.[2] In the Old Scandinavian languages, the number of these words was large. Some of

[1] Public Record Office; Ancient Deeds, A.S. 280.

[2] On the problems raised by hybrid names such as Skeyton and Thurmaston, in which a Scandinavian personal-name is compounded with the Old English *tūn*, 'village', see *The place-names of Nottinghamshire*, pp. xviii-xx.

them never reached England, and others are rarely found there. The only English examples of the word *salr*, 'hall' or 'dwelling', occur in Upsall, the name of two villages in the North Riding of Yorkshire. The name, which means 'high dwellings', is identical with the Swedish Uppsala. From the historical standpoint, the most important of these habitation-names are those which end in the terminals *by* or *thorp*. It is unprofitable to attempt any precise definition of these words. The particulars given by Domesday Book about places of which the names end in *by* or *thorp* suggest that *by* had generally been reserved for the larger of these places, and that *thorp* had been used with little discrimination. They make it probable that the word *thorp* had rarely, if ever, been applied to a settlement which was merely a single farm, but they show that few of the settlements thus named had grown to any considerable size in the two centuries between the Danish occupation and the Norman Conquest. In the most general sense of words which themselves are indefinable, a *by* may be regarded as a village, and a *thorp* as a hamlet.

Many of the names in *thorp* may well be ancient. Some of them have parallels in Sweden or Denmark,[1] and others are compounded with personal names not elsewhere found in England.[2] But in the Scandinavian countries *thorp* was often used to denote a settlement which was an offshoot from a larger community, and the numerous cases in which Domesday Book shows the word standing by itself as a place-name suggests that the same practice had been followed by the Scandinavian colonists of the Danelaw. On the whole, the Danelaw names in *thorp* seem to belong

[1] Such as Akethorpe, Suffolk (Old Swedish *Akatorp*), Gunthorpe, Nottinghamshire (Old Swedish *Gunillatorp*), Hagthorpe, Yorkshire (Old Swedish *Hakathorp*), Cawthorpe, Lincolnshire (Old Danish *Calæthorp*), Carthorpe, Yorkshire (Old Danish *Caræthorp*), Saxthorpe, Norfolk (Old Swedish *Saxathorp*), Swinthorpe, Lincolnshire (Old Swedish *Sunathorpe*), Towthorpe, Yorkshire (Old Danish *Towæthorp*, Old Swedish *Tofvetorp*), Glassthorpe, Northamptonshire (Old Swedish *Klaksthorp*).

[2] *e.g.* the Old Swedish and Danish *Sune* which occurs in Swinthorpe, Lincolnshire.

to a secondary level of nomenclature, which represents the late tenth and early eleventh centuries rather than the generations immediately after the settlement. The names in *by* show clearer signs of antiquity. The large groups in which they tend to be concentrated suggest the conditions of an age when the Danish settlers in England still felt themselves strangers in a hostile land. The number of Scandinavian personal names of which they form the only English record is considerable. Early spellings show that many names in *by* were Scandinavian grammatical compounds in the strictest sense, and some of them preserve traces of inflexional forms which became obsolete in England at an early date. It need hardly be said that not all names in *by* are of equal age. The conception of a 'church-village', expressed in close on thirty Kirkbys and Kirbys, presupposes the acceptance of Christianity. But as a whole, these names give the best illustration that can now be found of the way in which the Danish settlement of eastern England was carried out.

The mere number of these names in *by* is significant. It is impossible to give exact figures, for there are difficulties of identification which are still unsettled. Mòreover, especially in northern England, names in *by* were being formed as late as the twelfth century, and it is not always easy to keep these medieval formations apart from the older names of the same type. In using names in *by* for historical purposes, it is the safest course to confine attention to those which are mentioned in Domesday Book or earlier records, and can therefore be dated within two centuries of the Danish occupation. In the parts of England south of the Tees which are known to have been colonised by Danish armies in the ninth century, 543 names in *by* are thus recorded. There are 203 in Yorkshire, 9 in Derbyshire, 22 in Nottinghamshire, 217 in Lincolnshire, 55 in Leicestershire, 13 in Northamptonshire, 21 in Norfolk, and 3 in Suffolk.[1]

[1] Within these shires, there are approximately 64 names in *by* which are not mentioned in Domesday Book. There is one such name in War-

Some of these names are ill-preserved or otherwise obscure. But those of which the meaning is plain are numerous enough to indicate the general lines on which the names of settlements had been formed by the Danes in England.

In the Scandinavian countries, names in *by* are generally of a descriptive type,[1] in which the first element denotes the nature of the country near the village, the social condition of its inhabitants, its position with reference to other villages, or the most distinctive feature of its topography. Except in regions of late settlement, such as the northern parts of Sweden or the south-east of Schleswig, *by* is rarely compounded with a personal-name.[2] Many English names in *by* are of a descriptive sort. Aby, the village by the watercourse, Dalby, the village in the valley, Barrowby, the village near or on the hill, Carlby, the village of the free peasants, Swinderby, the southern village, and Lumby, the village near the grove, are only a few among the English descriptive names in *by* to which parallels can be found in Denmark or Sweden. The great difference between the English and the Scandinavian names in *by* is the marked English tendency towards the use of personal-names in the formation of these compounds.[3] It is sometimes difficult

wickshire—Willoughby near Daventry—which geographically belongs to the Northamptonshire group. There are also 9 names of this type in county Durham, and on the west side of the Pennines there are at least 7 in Cheshire, 19 in Lancashire, 16 in Westmorland, and 56 in Cumberland. When added to the details given in the text, these figures bring the total number of English place-names in *by* to 715. The actual number must have been larger than this, for in the north-west, many small places had names of this kind, and it is unlikely that all of them have been noted. But it seems safe to say that the total must be well under 750.

[1] For the character of the Swedish names of this type, see the detailed study by Elof Hellquist, *De Svenska Ortnamnen på by* (Göteborg, 1918).

[2] cf. *Frederiksborg Amts Stednavne* (Danmarks Stednavne, no. 2, 1929) p. x. Hellquist (*op. cit.*, p. 67) states that he has not found a single undoubted name of this type in Skåne, Halland, or Blekinge.

[3] There are a number of names of this type to which there are exact Scandinavian parallels. Hemsby in Norfolk, 'Heimir's *by*', is identical with the Old Swedish *Hemisby*; Hellaby in Yorkshire, 'Helgi's *by*', with the Old Swedish *Hælghaby*; Careby in Lincolnshire, 'Kári's *by*', with the Old Swedish *Karaby*. But coincidences like these are exceptional.

to be certain whether the first element of a particular name in *by* is a personal-name or a descriptive word. There is no doubt that the name Girsby contains the Old Norse *griss*, a pig, but formally, there is nothing to show whether this word was used as a common noun or as the name of an individual. The name Bonby may mean either the village of a man named Bondi or the village of the *bondir*, or peasant proprietors. Cases like these can only be decided on grounds of general probability, and in such light as may be thrown on a particular name by the character of other names in its neighbourhood. So far as its form is concerned, the name Oadby in Leicestershire may equally well be derived from Auði, a personal name, or from *auðr*, an adjective meaning 'empty', or 'desolate'.[1] But the fact that on its first appearance in the eleventh century [2] Oadby was one of the most populous places in a thickly settled county makes it unlikely that its name meant 'empty village'. Evidence of this kind is rarely forthcoming. Nevertheless, with all allowance for ambiguities, it is clear that a personal name forms the first element of more than half of the Danelaw names in *by*. In terms of grammar, Sysonby, Braceby, Brawby, Aismunderby, Serlby, Asenby, Hacconby, and Ulceby can only mean the villages or settlements of Sigsteinn, Breiðr, Bragi, Ásmundr, Sørli, Eysteinn, Hákon, and Ulfr, and such names are steadily brought more clearly into the picture as the place-names of the Danelaw are traced back systematically towards their origins.

The nature of the association between the village and the man from whom it was named is one of the most important problems in the early history of the Danelaw. Here and there, it may possibly have anticipated the relationship between a medieval manor and its lord. In Nottinghamshire, the name Granby—'Græni's *by*'—denotes a village which according to Domesday Book contained a population

[1] Lindkvist, *op. cit.*, pp. 154–5.

[2] When it contained a population of 46 sokemen, 7 villeins, and 3 bordars. *Domesday*, I, fo. 236.

of 44 villeins and 9 bordars, or cottagers. It is possible that these men were the successors of English peasants reduced to servitude by the Danish conquest, or of Danish freedmen grouped in economic subjection around a lord of their own race. But there are many cases to which an explanation of this kind cannot reasonably be applied. Within a large number of villages which have names of this type, Domesday Book reveals a population mainly composed of peasants who in 1086 must have been personally free and economically independent.[1] The theory that such villages had developed from manors which arose after the Danish settlement runs counter to all that is known about the trend of English society in the two centuries before the Norman Conquest.[2]

It is much more probable that in the greater number of such cases, the man who gave his name to a village had been the leader rather than the lord of its inhabitants. There is no doubt that the colonists preserved the outlines of a military organisation for several generations after the settlement. The *here*, or army, of Northamptonshire is mentioned as late as the reign of Æthelred II.[3] Some traces of this organisation may reasonably be expected to occur in the local nomenclature of the Danelaw. The concentration of Danish habitation-names in different parts of this country is probably one of these traces. The tendency to form names in *by* from personal names may well be another. Beneath the leaders of highest rank in the Danish armies—the kings, earls, and 'holds' who are mentioned in the

[1] In Lincolnshire, for example, Hawerby on the Wolds—'Hávarð's *by*'—contained a Domesday population of 14 sokemen, or free peasants, 1 villein, and 1 bordar; Sotby near Horncastle—'Sóti's *by*'—contained 16 sokemen and 3 villeins; Hundleby near Bolingbroke—'Hundolf's *by*'—contained 25 sokemen and 12 villeins; Aswarby near Sleaford—'Ásvarð's *by*'—contained 42 sokemen and 4 bordars. In Leicestershire, Welby near Melton Mowbray—'Áli's *by*'—contained 18 sokemen, 7 villeins, and 3 bordars.

[2] A manorial origin is equally improbable for the many villages bearing names of this type which in 1066 were divided between a number of different lordships.

[3] A. J. Robertson, *Anglo-Saxon Charters*, p. 76.

Anglo-Saxon Chronicle—there must have been a large number of men who led small companies of followers. It would be natural, and indeed inevitable, that when the time for settlement came, some of these companies should group themselves upon the soil around the men who had led them in the war, and that the names of these men should sometimes become attached to the villages which arose in this way.

But the Scandinavian personal names preserved in Danelaw place-names are worth studying for their own sake, apart from the context in which they occur. Here again, an especial interest belongs to the personal names which are compounded in place-names recorded in Domesday Book. Already before the end of the ninth century, the Scandinavian peoples were developing habits of name-formation which two hundred years later had given a distinctive character to the personal nomenclature of the entire north.[1] The use of descriptive epithets as independent names, and the formation of new compounds were carried to a point at which the primitive stock of northern names was nearly submerged. But the rate at which the development proceeded is less clear than could be wished. In particular, the evidence for the personal names current in Sweden and Denmark between the ninth and the eleventh century is inadequate in amount and irregular in distribution. The personal names recoverable from the Domesday forms of Danelaw place-names represent, as a whole, an east Scandinavian nomenclature. They must all have been in use between 876 and 1066, and most of them belong to the first half of this period.

In most parts of the Germanic world, it was unusual for a son to receive the name of his father or of any other near relation. In families which observed a strict tradition of name-giving, if the father's name was a compound, one of its elements was generally preserved in the son's name,

[1] For these developments see Elias Wessén, *Nordiska Namnstudier* (Uppsala, 1927), pp. 47–96.

while the other was changed. It was in accordance with this principle that Æthelric king of Bernicia and Rædwald king of East Anglia named their eldest sons Æthelfrith and Eorpwald. But among the Scandinavian peoples of the viking age, the principle was observed far less closely than elsewhere. The same personal name frequently appears without change in different generations or in different branches of the same family. It was also a common practice for a man to name his child after some notable chief of his neighbourhood or some intimate friend of his own. The departure of the Scandinavian peoples from common Germanic custom is at this point so marked that it requires some special explanation. In the opinion of most scholars, it is connected with the late survival in the north of the belief that the soul of an individual was represented or symbolised by his name, and that the bestowal of a name was a means of calling up the spirit of the man who had borne it into the spirit of the child to whom it was given.

Whatever its origin, the practice had a marked effect on the development of personal nomenclature in the north.[1] It meant that the number of persons bearing the same name at the same time became so large that it necessitated the use of a nickname, or, to use a convenient neutral term, a by-name, peculiar to each individual, for the purpose of distinction.[2] Before the end of the ninth century, many of these by-names had come to be used as independent names, and some of them were employed as elements from which new artificial names of a compound type could be formed.

[1] Wessén, *op. cit.*, pp. 66–70.

[2] In England outside the Danelaw a marked reduction in the number of names and name-stems in common use occurred during the tenth and eleventh centuries and seems to have been accompanied by an increased employment of by-names. In course of time, some of them acquired an independent existence as personal, or christian, names (cf. O. von Feilitzen, *The pre-Conquest personal names of Domesday Book*, Uppsala, 1937, pp. 13–18). But the development was never carried in England to anything approaching the point which it reached in the Scandinavian countries. For a detailed survey of the Anglo-Saxon material see Gösta Tengvik, *Old English bynames* (Uppsala, 1938).

The word *ketill*, for example, which meant a round pot or cauldron, was an early and popular by-name, obviously appropriate to a round-headed man. The list of early settlers in the Icelandic *Landnámabók* shows that before the year 900, Ketill was frequently used as a name by itself. It became very popular in the English Danelaw, where by 1066 it had given rise to at least nine place-names, such as Ketsby, Kettleby, Kettlethorpe and Keddleston. But it was also used in the ninth century as a basis for the formation of new compound names such as Ásketill and Þorketill, which were adopted widely and spread far afield.[1] Each of these names is found at an early date in Iceland, Normandy, and the Danelaw, where Ásketill [2] gave rise to the place-name Asselby in Yorkshire, and Þorketill, to the place-names Thirtleby and Thirkleby in Yorkshire and Thurcaston in Leicestershire. By-names used as personal names, and compounds formed from them, can be traced in every country where Scandinavian peoples found a settlement, and they are very useful as a means of distinguishing the Scandinavian from other elements in the local population.

Many by-names are complimentary, or at least neutral, in tone. Among those which are found as personal names in English place-names,[3] Fráni must have meant 'the bright one', Skrauti, 'the magnificent', Hraði, 'the quick' or 'rash', Balli, 'the strong', Káti, 'the cheerful', Kári, 'the curly-haired'. Skúli seems to be related to the verb *skyla*, 'to protect', Stofn, which originally meant 'stock' or 'stump', was presumably used as a by-name with the meaning 'sturdy' or 'stout'. The original meaning of Swein was 'young man in service'. Sumarliði, which meant a man returned from a summer expedition, Vestliði,

[1] For the forms assumed by these names in England see Björkman, *Nordische Personennamen*, pp. 16–20, 151–3.

[2] A remarkably early example of the name Ásketill occurs in an Anglicised form in the *Anglo-Saxon Chronicle*, where Oscytel appears as the name of one of the three kings who led the Great Army from Repton to Cambridge in 874.

[3] For the place-names in which they occur, see below, pp. 23–4.

a man returned from an expedition towards the west, and Sæfari, 'sea-farer', are typical name-formations of the viking age. Many by-names are simply the names of birds or animals, such as Valr, 'falcon', Orri, 'moor-hen', Skarfr, 'cormorant', Mǫrðr, 'marten', Kisi, 'cat', Kausi, 'tom-cat'.[1] But a large number, perhaps a majority, of these names are, if not contumelious, at least mildly derisive. Klyppr and Klakkr, two of the most popular names in the Danelaw, each go back to a base meaning 'lump' or 'clod'. Loðinn meant 'the hairy', Skurfa meant 'scurf', Keptr meant 'jaw', 'chump', or 'chop', Lútr, 'the bent', Feitr, 'the fat', Skúma, 'the squinter', Slóði, 'the clumsy', Slengr, 'the idler', Snípr, 'the miser', Bróklauss, 'the man without trousers', Blanda, 'the man who mixes his drinks'. There is a sinister undertone in Náttfari, 'the night-traveller', and Hari, 'the hare', is more likely to mean the swift in flight than the good runner. As a whole, these names certainly bear out the observation of a Swedish scholar that by-names are 'an expression of the characteristic temper of the Northmen, their gross humour, and their acute realism'.[2]

Although by-names give a distinctive character to the personal nomenclature of the Danelaw, many Scandinavian names of other types can be recovered from its pre-Conquest place-names. They include a number of compounds which had survived in the north from the Migration Age. Names such as Hróðmundr, Bǫðvarr, Sǫlmundr, and Ingialdr, which appear in Romanby and Battersby in Yorkshire, Salmonby and Ingoldsby in Lincolnshire, are of an age which can properly be called prehistoric. The name Áli, which occurs in Ailby and Althorpe in Lincolnshire, Alby

[1] Some of these names seem to have been used in England as by-names until the thirteenth century, if not later. A man named Gamel Orre is mentioned in a charter of Henry III's reign in the *Coucher book of Selby*, ed. J. T. Fowler, i. 220.

[2] Wessén, *op. cit.*, p. 67. For the detailed study of Scandinavian by-names the starting-point is the definitive survey by E. H. Lind, *Norsk-Isländska Personbinamn från Medeltiden* (Uppsala 1921).

in Norfolk, and Welby in Leicestershire, corresponds to the Onela of *Beowulf*, and is a diminutive formation of remote antiquity. In contrast to these survivals, a long series of names compounded with *Thor* illustrate new fashions of name-composition which seem to have arisen in the viking age itself. Names in *Thor* are not found in *Beowulf*, the *Ynglingatal* or the oldest runic inscriptions. None of them occur in the Frankish annals of the ninth century or in the *Anglo-Saxon Chronicle* of Alfred's reign. But they were extremely common in Iceland from the beginning of the settlement, and in the Danelaw, at least eleven examples—Þóraldr, Þorrøðr, Þorketill, Þórir, Þormóðr, Þorgeirr, Þórólfr, Þorgils, Þorgrímr, Þorsteinn, and the feminine Þórhildr—are found in place-names mentioned in Domesday Book.[1]

It is impossible to give an exact figure for the number of Scandinavian personal names which enter into the Domesday place-names of the Danelaw. On a conservative estimate, the number cannot fall far short of 300. Many of these names are only represented by a single example, such as the unique nick-name Uglubarði, 'owl-bearded', which occurs in Ugglebarnby near Whitby. But of some, there are several instances, and their distribution illustrates the essential unity of the movement which produced the different Scandinavian colonies in eastern England. Skalli, Jóli, Skálkr and Rauðr each appear in the Domesday place-names of both Yorkshire and Lincolnshire. Hreiðarr, Eindriði, Fótr, and Káti each occur in both Yorkshire, Lincolnshire, and Leicestershire; Malte and Helgi, in Yorkshire, Lincolnshire and Norfolk; Blesi and Valr, in Lincolnshire and Nottinghamshire; Tithe and Skeggi, in Nottinghamshire and Norfolk; Kæri occurs in Yorkshire and Leicestershire; Kóri, in Lincolnshire and Northamptonshire; Steinn, in Yorkshire and Derbyshire; Styr, in Derbyshire, Yorkshire, and Norfolk; Flóki, in Yorkshire, Norfolk and Suffolk;

[1] These names make their first appearance in England with the Danish earls Þurcytel and Þurferþ (= Þorrøðr), mentioned in the *Anglo-Saxon Chronicle*, MS. A, under 918 and 921.

Flik, in Suffolk, Lincolnshire, and Yorkshire; Klyppr, in Lincolnshire, Nottinghamshire, Northamptonshire, and Norfolk; Bǫrkr, in Yorkshire, Lincolnshire, Leicestershire, and Suffolk; Klakkr, in the same counties, and also in Northamptonshire. Few of these names were popular in medieval England, and some of them have not yet been found in independent use there. Several of them are represented by only a few examples in the Scandinavian countries themselves. As a whole, they look like fragments of a name-series which was already ancient by the date of the Norman Conquest. In any case, their distribution agrees very well with the historical fact that the colonisation of the various regions of the Danelaw was carried out by separate divisions of the same army.

According to tradition, the original leaders of this army were Danes, and it is generally assumed that their followers were mainly drawn from the East Scandinavian lands. It is natural to expect that the personal names contained in the place-names which arose from their settlement should be preponderantly of an East Scandinavian type. In great part, the expectation is realised. Several of the personal names which have just been quoted are either peculiar to the East Scandinavian countries or much more popular there than in other parts.[1] But the West Scandinavian element in the personal names of the early Danelaw is by no means insignificant. The name Sumarliði, for example, which occurs in Somerby in Leicestershire, three Somerbys and one Somersby in Lincolnshire, Somerleyton and Somerton in Suffolk, seems to be a specifically Norse formation. Some of the northern Danelaw names which are apparently of Norse extraction may have been borne by settlers who had come to England from the Norwegian colonies along the Irish coast.[2] In view of the inadequacy

[1] Such as Klakkr, Flik, Malte, Kæri, and Eindriði.

[2] That a certain amount of such migration occurred in the tenth century is made probable by the pre-Conquest diffusion in Yorkshire of the Gaelic word *erg*, shieling, and by the appearance of a number of Old Irish personal

of the materials for the early personal names of Sweden and Denmark, many names which are only found in West Scandinavian sources may really have been common to all the Scandinavian peoples. But in spite of these complications, the Norse personal names of the Danelaw most probably express the fact that the army of the ninth-century settlement was a composite host, which, though essentially Danish, had attracted adventurers from every part of the Scandinavian world.

In regard to the historical importance of the Danish invasion, the personal names compounded in village names tell the same story as the loan-words compounded in field-names. The personal names thus recorded amount to something more significant than a mere collection of names borne by individuals of whom nothing beyond the names is known. They show that a highly distinctive name-system had been introduced into a great part of eastern England as a direct result of the Danish settlement. The loan-words prove the transplantation to England of an alien vocabulary which covered the whole framework of agricultural life. In each case, the new elements thus introduced into English speech can be followed down for centuries within at least the northern and eastern Danelaw. Personal names of Scandinavian origin, or formed after the Scandinavian manner, are still numerous in thirteenth-century documents from Yorkshire, Lincolnshire, Nottinghamshire, and East Anglia. Scandinavian terms of agriculture are still alive in modern dialect. It can safely be concluded that the movement which established this store of names and words on English soil had the dimensions of a migration.

names in Yorkshire place-names in *by* mentioned in Domesday Book. The clearest examples are Cairpre, Maelmuire, Maelsuithan, and Dubhghall, which occur in Carperby, Melmerby, Melsonby, and Duggleby. But these signs of Norse-Gaelic influence seem to be confined to the region north of the Humber.

NOTE

It may be convenient to give an alphabetical list of the personal names quoted in the last five paragraphs, with the place-names in which they are found, where this information does not occur in the text. Balli (Balby York), Blanda (Blansby York), Blesi (Bleasby Lincs, Notts), Bǫrkr (Barkston York, Lincs; Barkestone Leic; *Barchestuna* D.B. Suffolk, now lost; probably Barthorpe York; Barkby Leic), Bróklauss (Brocklesby Linc), Eindriði (Ainderby Mires, Quernhow, and Steeple York; Bag, Mavis, and Wood Enderby Lincs; Enderby Leic), Feitr (Faceby York), Flik (Flixton York; Flixborough Lincs; Flixton near Bungay and Flixton near Lowestoft Suffolk), Flóki (Flockton York; Flockthorpe Norfolk; Flowton Suffolk), Fótr (Foston and Foston on the Wolds York; Foston Lincs; Foston Leic), Fráni (Framland Leic), Hari (Hareby Lincs), Helgi (Hellaby York; Belleau Lincs; Hellington and Helhoughton Norfolk), Hraði (Raithby near Bolingbroke Lincs), Hreiðarr (Raisthorpe York; Raithby near Louth Lincs; Rearsby Leic), Jóli (Youlton York; Yawthorpe Lincs), Kæri (Kearby and Cold Kirby York; Kirby Muxloe Leic), Kári (Carthorpe York), Káti (Cadeby York; North and South Cadeby and Caythorpe Lincs; Cadeby Leic), Kausi (Cowesby York), Keptr (Kexby Lincs), Kisi (Keisby Lincs), Klakkr (Claxton York; Claxby near Alford, Claxby near Market Rasen, and Claxby Pluckacre Lincs; Long Clawson Leic; Glassthorpe Northants; Claxton Norfolk; *Clachestorp* D.B. Suffolk, now lost), Klyppr (Clixby Lincs; Clipston and Clipstone Notts; Clipston Northants; Clippesby and Clipstone Norfolk), Kóri (Corby Lincs; Corby Northants), Loðinn (Londesborough York), Lútr (Lusby Lincs), Malte (Maltby near Yarm and Maltby near Rotherham York; Maltby near Louth and Maltby in the Marsh Lincs; Mautby Norfolk), Morðr (Marderby York), Náttfari (Nafferton York), Orri (Orby Lincs), Rauðr (Roxby in Hinderwell and Roxby in Thornton Dale York; Rauceby Lincs), Sæfari (Searby Lincs), Skálkr (Scawsby York; Scotterthorpe Lincs), Skalli (Scalby York; Scawby Lincs), Skarfr (Scarsdale Derby), Skeggi (Skegby near Mansfield and Skegby near Tuxford Notts; Skeyton Norfolk), Skrauti (Scratby Norfolk), Skúli (Scoulton and Sculthorpe Norfolk), Skúma (Scunthorpe Lincs), Skurfa (Scruton York), Slengr (Slingsby York), Slóði (Sloothby Lincs), Snípr (Snibston Leic), Stofn (Stonesby Leic), Stein (Stainsby York; Stainsby and Stenson Derby), Styr (Stearsby York; Sturston Derby; Starston and Sturston Norfolk), Swein (Swainby in Pickhill York; Swainsthorpe Norfolk), Þóraldr (Thoralby and Thoraldby York), Þorgeirr (Thurgarton Notts, Thurgarton Norfolk), Þorgils (Thirkleby near Sledmere York), Þorgrímr (Thorganby and Thornthorpe York; Thorganby Lincs), Þórhildr (Thorlby York), Þórir (Thoresby York; North and South Thoresby and Thoresthorpe Lincs; Thoresby

Notts), Þorketill (Thirkleby near Thirsk and Thirtleby York; Thurcaston Leic), Þormóðr (Thormanby and Thornaby York; Thrumpton Notts; Thurmaston Leic), Þórólfr (Tholthorpe York; Thurlby in the Marsh, Thurlby near Lincoln, Thurlby near Bourne Lincs; Thulston Derby; Thurlston Suffolk), Þorrøðr (Thoroton Notts; Thurvaston Derby; Thurlton Norfolk), Þorsteinn (Thrussington Leic; Thuxton Norfolk), Tithe (Tithby Notts; Tyby Norfolk), Valr (Walesby Lincs; Notts), Vestliði (Westlaby Lincs; Westleton Suffolk).

ARCHBISHOP WULFSTAN, HOMILIST AND STATESMAN [1]

By Miss D. Whitelock, M.A., F.R.Hist.S.

Read 5 April 1941

When Wulfstan II, archbishop of York from 1002 and bishop of Worcester from 1002 to 1016, alias *Lupus episcopus*, died at York on 28 May 1023, his body was taken for burial to the monastery of Ely, in accordance with his wishes. From the twelfth-century historian of this abbey we get the only mediaeval account of the prelate,[2] a brief, and in some respects unreliable, account. Among other things, it states that miracles were worked at his tomb, but there is no hint elsewhere that Wulfstan had any special claims to sanctity. There was certainly never any question of canonisation; hence there was little motive for the writing of his life by his contemporaries or successors. When we consider how little we should know of the activities of Dunstan or Oswold if we had been denied the contemporary lives of these saints, it is perhaps not remarkable that political historians of the period refer to Wulfstan, if at all, merely as the author of a sermon, the famous *Sermo Lupi ad Anglos*,[3] revealing contemporary conditions in England, or as the consecrator of Cnut's church at Ashingdon. Even in ecclesiastical histories Wulfstan is given no prominent place. Some mention his appointment to York, some his refoundation of St. Peter's

[1] I wish to thank Professor B. Dickins for reading and criticising this article.

[2] *Historia Eliensis* (ed. by D. J. Stewart as *Liber Eliensis*, i. for the Anglia Christiana Society), ii, cap. 87.

[3] See my edition of this text in Methuen's Old English Library, 1939, to which subsequent references refer.

at Gloucester and his consecration of Ashingdon, none, except recently Professor Darlington, who calls him an ardent reformer,[1] suggest that he had any influence on the Anglo-Saxon church of his time or later.

Yet, leaving aside as biased by private considerations the claims of the Ely historian, we find scattered references to the archbishop in the records of the period that suggest that he was not without influence on affairs. Legal historians have, of course, noted that he is mentioned in connexion with Ethelred's code issued at Enham, though they are guarded as to the precise nature of this connexion. In general, however, the fact that we can to some extent reconstruct his life is due to his being an author as well as a churchman. The identification of him with the author of the *sermones Lupi*, first made by Wanley in 1705,[2] and since proved beyond any reasonable doubt,[3] is the starting-point for any real knowledge of his work and its significance. It is for this reason that I place the homilist before the statesman in the title of this paper, in which I propose to summarise what can be learnt about this prelate and to consider his place in the history of his time. Enough progress has been made in the last twenty years for it to be worth while to take stock of the results. A final estimate can be given only when we have critical editions of all the genuine homilies and of the work known as the *Institutes of polity*, both of which are in the hands of excellent scholars, Miss Dorothy Bethurum and Professor Karl Jost. It might have been possible to take the subject a little farther to-day if conditions did not deny one access to several manuscripts of primary importance in this investigation.

Wulfstan might long ago have been given his proper position if Napier had brought out the volume of notes and

[1] *E.H.R.*, li. 392.

[2] In G. Hickes, *Linguarum veterum septentrionalium thesaurus*, ii. 140 f.

[3] Despite the *Dictionary of national biography*, which considers the identification made without 'any convincing reason'.

introductions to his edition of 1883,[1] which contained all the homilies claimed for Wulfstan by Wanley, and a few others. It is quite clear that several homilies in Wanley's list are not by Wulfstan, and Napier showed in 1882 [2] that only the two homilies that immediately follow the rubric *Incipiunt sermones Lupi episcopi* in all the three manuscripts in which it occurs, together with two others with separate rubrics ascribing them to *Lupus*, can be proved genuine by the evidence of rubrics. There are, however, several texts [3] in a style so similar to that of the ' four genuine homilies ' that no one would doubt Wulfstan's authorship but for a theory that there were ' Wulfstan imitators '.

The ' Wulfstan style ' is very distinctive and has been frequently described.[4] It is a forcible, trenchant style, pre-eminently suited for preaching. It uses a few simple rhythmical patterns and it obtains a strong emphasis, chiefly by the frequent use of intensifying phrases such as *mid ealle* ' entirely ', *georne* ' eagerly ', *ealles to swiðe* ' all too greatly '. It possesses a characteristic vocabulary and syntactical peculiarities. Lists of words, often arranged in pairs, are a frequent feature, as, for example, in this passage from a homily based on a chapter of Leviticus : ' Then to your harm shall poverty and misery increase, strife and persecution, devastation and famine ; and your hearts shall be greatly afraid and the might of your enemies shall grow grievously strong, and, driven asunder, terrified, you will often flee as cowards from a little band. And bad harvests shall oft come upon you through storms, and theft and pestilence shall bring you low, and you shall be given into the power of enemies, who will impoverish and greatly oppress

[1] *Wulfstan : Sammlung der ihm zugeschriebenen Homilien nebst Untersuchungen über ihre Echtheit*, quoted in this article by the number of the homily.

[2] *Über die Werke des altenglischen Erzbischofs Wulfstan.*

[3] Including the so-called pastoral letter (Napier, xix–xxii), which begins in one version ' Wulfstan arcebisceop '.

[4] Besides the works cited at p. 15 of my edition of the *Sermo Lupi ad Anglos*, see K. Jost in *Anglia*, xlvii. 105 ff., and my ' Wulfstan and the so-called laws of Edward and Guthrum ', *E.H.R.*, lvi. 6 ff.

you '[1]; or in the descriptions of hell that are not rare in his work: 'There is everlasting fire cruelly stirred up, there is everlasting terror, there is everlasting pain, there is sorrowing and lamentation, and ever unceasing complaint, there is moaning and groaning, there is every misery and the throng of all devils.'[2] Some of these traits would be easy to imitate, and, if Wulfstan was the forceful person I believe him to have been, it would be strange if he exercised no influence on his followers. Every text with a sprinkling of the phrases mentioned above need not be his.[3] But when we find works possessing not only the obvious characteristics of his style, but also the minor syntactical mannerisms and the preferences in vocabulary, it is more probable that Wulfstan himself is the author. This can hardly be doubted when the work in question reveals an independence of mind incompatible with slavish imitation in style, or when its influence on later laws and canons is so strong as to suggest that it emanated from a person of high standing.[4] Wulfstan had a reputation as a stylist already by 1002, for an anonymous ecclesiastic, writing to him in Latin no later than this year,[5] speaks of 'the most sweet sagacity of your eloquence and the prolixity as well as the profundity of your elegantly arranged narrative'. As he uses Wulfstan's attainments as his excuse for declining to undertake some translation himself, he apparently did not think them easy to imitate.

An article by Professor Jost, published in 1932,[6] has greatly advanced Wulfstan studies. It not only establishes the authenticity of two important homilies, *De baptismate* and *De cristianitate*,[7] but it throws light on Wulfstan's

[1] Napier, xxviii (p. 133).

[2] *Ibid.*, xxii (p. 114). It is not possible in translating to give the effect obtained by rhyme and alliteration, e.g., *sorgung 7 sargung 7 á singal heof; wanung 7 granung*, etc.

[3] Even the Lord's Prayer is not proof against their insertion: one Old English version (Napier, xxvi) is equivalent to 'Lead us not into temptation all too greatly'.

[4] See Jost, *Anglia*, lvi. 305. [5] See my note in *E.H.R.*, lii. 460 ff.

[6] 'Einige Wulfstantexte und ihre Quellen', *Anglia*, lvi. 265 ff.

[7] Napier, v and x. Jost has found an earlier version of v in C.C.C.C. MS. 302, which is closer to the Latin original.

scholarship and methods. For each of these homilies is based on a series of extracts [1] from Latin canonists, and, whereas it had hitherto been assumed that the collection was made by someone else for the homilist's use, Jost points out that the translator reveals familiarity with the original works, sometimes translating parts of the contexts of the selected passages. This suggests that he had made the compilation himself, and for these two homilies alone he read works of Theodulf of Orleans, Jesse of Amiens, Amalarius of Metz, Atto of Vercelli, St. Augustine, as well as Alcuin's *Liber de virtutibus et vitiis*, the Benedictine Rule and the *Poenitentiale Pseudo-Ecgberti*. In one place in the homily *De cristianitate*, instead of translating a simple passage of his original,[2] the author replaces it by a quotation from another work in the Wulfstan style, the unpublished *De regula canonicorum*, a translation of a chapter of Amalarius. As the meaning is exactly the same, it is difficult to see why a different author should have troubled to do this ; and this fact, taken together with strong stylistic evidence, makes it extremely probable that the *De regula canonicorum* is Wulfstan's work. Jost goes on to show that this text can hardly be divorced in authorship from the so-called 'Canons enacted under King Edgar',[3] which use the same source with the same omissions and the same explanatory addition. Though neither text is derived from the other, both have Wulfstan phrases. The canons survive in two manuscripts from Worcester, and only one describes them as *Eadgares gerædnes*. As Ælfric's pastoral letter for Wulfsige (993–1001) has been used, this rubric is an error.[4] We may notice that it is these canons that are the main reason for Stubbs's statement, 'The ecclesiastical

[1] Napier, iv and ix.

[2] *I.e., seniores honorate, iuniores diligite.* See Jost., *op. cit.*, p. 287.

[3] *Viz.*, the first of the five texts printed by Thorpe under this title and the only one with the slightest claim to it, *i.e.*, the rubric in one manuscript.

[4] Wulfstan himself seems to have looked back on Edgar's reign as a golden age of law and order. See VIII Atr 37 and ASC 975D. Perhaps there was a tendency in later times at Worcester to attribute undated codes to his reign.

laws of the period [i.e. Dunstan's time] are of the same constructive and progressive stamp.' [1] It seems that we must give the credit to Wulfstan, not, with Stubbs, to Dunstan.

This picture of Wulfstan as a man well versed in canonistic literature, excerpting carefully from Latin authors before writing his vernacular sermons, can be strengthened by noting the relationship between a series of Latin extracts from Isaiah and Jeremiah and his homily VI, between a similar series from Leviticus and homily XXVIII, between a collection of references to Antichrist [2] and homily XII.[3] Work on Wulfstan's sources is still in its infancy. To those mentioned by Jost can be added a sermon of Abbo of St. Germain [4] and the letters of Alcuin.[5]

An examination of early manuscripts also adds to our knowledge of Wulfstan's learning and interests. As early as 1874 Stubbs [6] noted that Vespasian A. xiv contained a Latin poem of panegyric addressed to Wulfstan, under whose patronage the book had been written. No one troubled to follow up this information. It gives us definite proof of Wulfstan's interest in manuscript compilation, and the manuscript in question contains texts that tally with his interests as we know them from other sources, for example the canons of the Synod of *Celchyth* of 816,[7] of the Council of Hertford,[8] various papal letters, the Constitutions of Odo [9] and several letters of Alcuin, including one which Wulfstan uses in his *Sermo Lupi ad Anglos*.[10] A manuscript hitherto unknown to Wulfstan scholars [11] is the Copenhagen MS.,

[1] *Memorials of St. Dunstan* (R.S., 1874), p. cvi. [2] Napier, xi.

[3] On pp. 13 f. of my edition of the *Sermo Lupi ad Anglos*, I suggested that these homilies were authentic, judging by style alone. Since then, I have found their Latin sources in manuscripts otherwise connected with Wulfstan.

[4] Cf. *infra*, pp. 31, 33. [5] Cf. *infra*, p. 43. [6] *Op. cit.*, p. liv.

[7] A. W. Haddan and W. Stubbs, *Councils and ecclesiastical documents relating to Great Britain and Ireland*, iii. 579–84.

[8] *Ibid.*, iii. 118–21.

[9] D. Wilkins, *Concilia Magnae Britanniae et Hiberniae*, i. 212–14.

[10] See *infra*, p. 43.

[11] I owe my knowledge of it to Mr. Neil Ker, who pointed out that it contained the penitential letters mentioned below.

Gl. kgl. S. 1595 (4to), of the early eleventh century. From the account in the catalogue it is clear that, in addition to a group of penitential letters written by or addressed to Wulfstan, it contains the complete version of a homily of Abbo of St. Germain, of which Wulfstan used an extract for his homily XXXII ;[1] the series of Latin excerpts above mentioned that are the sources of homilies V, VI and XII ; the two pastoral letters written for Wulfstan by Ælfric ; probably the chapter of Amalarius which is the source of Wulfstan's *De regula canonicorum*[2] ; and several Latin texts that occur also in a Worcester manuscript (C.C.C.C. 265).[3] The only Old English in the manuscript is a short passage in the Wulfstan style,[4] and I have Mr. Ker's permission to mention his discovery that this is in the same hand as the poem in Vespasian A. xiv addressed to Wulfstan. There can be little doubt that the manuscript was compiled for Wulfstan's use or by his instructions. In addition to works already mentioned, it has several more homilies by Abbo of St. Germain, Amalarius's *Ecloge de officio misse*, another treatise on the mass and some homilies as yet unidentified, apparently mainly concerned with practical instruction rather than abstruse theology.

It has long been recognised that C.C.C.C. 265, called by Miss Bateson 'a kind of theological commonplace book specially intended for a bishop's use',[5] is a Worcester book. It shares a number of texts with the Copenhagen manuscript, sometimes in the same order.[6] Among them is the source of Wulfstan's *De regula canonicorum*, and the group

[1] Cf. *infra*, p. 33.

[2] One cannot be certain, while the manuscript remains inaccessible, whether the extract is Wulfstan's exact source, which is contained in C.C.C.C. 265.

[3] *Infra*, pp. 31.

[4] Published by F. Holthausen in *Zeitschrift für deutsches Altertum*, xxxiv (Neue Folge, xxii), p. 228.

[5] *E.H.R.*, x. 712.

[6] Like the Copenhagen manuscript, it has Ælfric's two Latin pastoral letters immediately followed by the source of Wulfstan's homily *De baptismate* and a treatise on the mass. The two manuscripts share also Amalarius, *Ecloge de officio misse*.

of penitential letters. Mr. Ker assigns this manuscript to the mid-eleventh century, later therefore than Wulfstan's episcopate, but as, in addition to the texts mentioned above, it has the source of homily V and a continental canon which is probably the source of a chapter in the laws of Ethelred issued under Wulfstan's influence,[1] it appears to be at least partially made up of material collected at Worcester during his time. Its other contents include letters of Alcuin, a large collection of canons and penitentials from various sources, and in particular the work known as the *Excerptiones Pseudo-Ecgberti*. One secular code written in Old English and Latin appears among these items of purely ecclesiastical interest. This is Edgar's fourth code, but its inclusion ceases to appear strange when we remember that it was issued on account of the plague of 962, this misfortune being attributed to the people's sins. It enforces a stricter payment of church dues. As its tone closely resembles much of Wulfstan's writing, this code may well have had a special interest for him.[2]

Several of the texts in this manuscript, including the *Excerptiones Pseudo-Ecgberti*, though in a different version, appear also in Nero A. i, a manuscript containing many Anglo-Saxon laws and some of Wulfstan's homilies. One of these is a version of the *Sermo Lupi ad Anglos*, annotated, according to Mr. Ker, by the hand he has detected in the Copenhagen manuscript and in Vespasian A. xiv, as we have already seen, and he would date this hand as early eleventh-century.[3] This supports Keller's opinion that the manuscript is from Worcester,[4] the most likely scriptorium to have produced three manuscripts all with some connexion with Wulfstan.

Another manuscript that shares many texts with those under discussion is C.C.C.C. 190, given by Bishop Leofric to

[1] *Infra*, p. 36.

[2] It is the interest taken in this code at Worcester that has preserved it for us, for the only other manuscript is the Worcester Nero E. i.

[3] It has hitherto been dated late eleventh-century.

[4] See *Sermo Lupi ad Anglos*, p. 1.

Exeter. Fehr considers it so closely connected with Ælfric that he would bring it from Eynsham.[1] His strongest reason is that it contains a Latin text in the abbreviated form in which Ælfric used it when writing his second pastoral letter for Wulfstan. But on the other hand, it has the shortened form of the Benedictine Office which is the immediate source of the Old English version in the Wulfstan style [2] and Fehr explains the presence of this in an Ælfric manuscript by suggesting that Ælfric had supplied Wulfstan with this curtailed version. Fehr seems not to have noticed that the manuscript has also the single sentence from one of Alcuin's letters that Wulfstan translated in his *Sermo Lupi ad Anglos*,[3] followed by a passage *De tribulationibus*, a probable source of this homily, and also the extract from Abbo's sermon *De coena domini* translated by Wulfstan in homily XXXII,[4] the complete sermon being in the Copenhagen manuscript. If Fehr's theory is right, we can only assume that Ælfric made a practice of supplying Wulfstan with catenae ready for his use. But, taking into considera-

[1] *Englische Studien*, xlvi. 337 ff. His other arguments are not very cogent. The manuscript contains Ælfric's pastoral letter for Wulfsige as well as those for Wulfstan, but so does the undoubtedly Worcester manuscript Junius 121. It has a text made up of passages from Athelwold's *Regularis concordia* and Amalarius, the authorities combined by Ælfric when writing for monks at Eynsham. This is an argument for the authorship of the work, but not for the provenance of the manuscript, for the compilation for the Eynsham monks has been preserved only in a Worcester manuscript, C.C.C.C. 265, and if Ælfric sent a copy of the one work, he may easily have done the same with this one. Since writing this article Fehr has realized that the version of the *Excerptiones Pseudo-Ecgberti* in C.C.C.C. 190 is not the one used by Ælfric. See his *Die Hirtenbriefe Ælfrics in altenglischer und lateinischer Fassung*, p. cv. This greatly weakens his case for an Eynsham origin for this manuscript.

[2] See E. Feiler, *Das Benediktiner-Offizium. . . . Ein Beitrag zur Wulfstanfrage* (Anglistische Forschungen 4), and Fehr, *Englische Studien*, xlvi. 337 ff.

[3] Cf. *infra*, p. 43.

[4] Wulfstan does not use the first paragraph (as printed in Migne, *Patrologia Latina*, cxxxii. 764 ff.), but begins with the section *Vere, fratres charissimi, hoc debetis scire unde fuit incoeptum hoc exemplum, i.e.*, the passage in C.C.C.C. 190. The Old English omits parts of Abbo's sermon, but I do not know if the Latin in this manuscript does so also, as it is at present inaccessible.

tion what we now know of Wulfstan's activity in excerpting passages from Latin authors, and remembering that he had access to the complete works in question in Vespasian A. xiv and the Copenhagen manuscript, it is surely more probable that the manuscript under discussion is based on a collection made at Worcester, and that the shortened version of the source for Ælfric's pastoral letter was sent to him by Wulfstan when he commissioned the letter. Something similar may have happened with regard to the *Excerptiones Pseudo-Ecgberti*, as Fehr once believed,[1] but this cannot be determined until a detailed study has been made of this text. We have, however, evidence that Wulfstan did once send to another ecclesiastic some Latin passages for translation, for the letter quoted above [2] is a refusal to undertake such a task. Wulfstan may have repeated this action in his dealings with Ælfric. Intercourse between Ælfric and Wulfstan is shown also by their both using the decalogue in the form in which it occurs in the Boulogne-sur-Mer MS. 63, Wulfstan in his *De cristianitate*,[3] Ælfric in his second pastoral for Wulfstan.[4] This manuscript has the only surviving copy of Ælfric's letter [5] in reply to a lost letter of Wulfstan's, but of course either sender or recipient might have put this on record. Other contents show some connexion with the Worcester group of manuscripts, but at this stage of the investigation it is impossible to decide which way round the influence was exerted. This examination of the manuscripts makes no claim to be exhaustive, but I think that enough has emerged to show great activity in the compiling of manuscripts at Worcester under Wulfstan's influence. To some extent an answer is provided to Miss Bateson's questions : [6] ' Who collected these manuscripts ? Where were they collected ? '

In view of all this, I cannot agree with Fehr's estimate

[1] *Englische Studien*, xlvi. 344. Cf. *infra*, p. 35.
[2] Cf. *supra*, p. 28. [3] Jost, *op. cit.*, pp. 278 f.
[4] Fehr, *Die Hirtenbriefe Ælfrics* . . ., p. xi.
[5] *Ibid.*, pp. 222–7. [6] *Op. cit.*, p. 713.

of Wulfstan in the introduction to his edition of Ælfric's pastoral letters.[1] He feels that the answers given in the private letter, which Ælfric wrote in reply to one from Wulfstan, imply considerable ignorance on the part of the questioner, and he withdraws a previous suggestion that Ælfric owed his knowledge of the *Excerptiones Pseudo-Ecgberti* to Wulfstan with the statement: 'the monk or abbot could not learn much from the archbishop'. It must be remembered that Wulfstan's letter does not survive and we do not know for what purpose he wrote, whether asking for information on matters of which he was ignorant or for support against the views of opponents. Most of the answers relate to ecclesiastical practices current in England though forbidden by the canons and we need not assume abysmal ignorance on Wulfstan's part if he consulted Ælfric on the precise attitude of the canons. Not all the subjects are of an elementary nature;[2] to some queries Ælfric replies that he has never read anything relating to them; to one query, on the number of times a day a priest may celebrate mass, he can refer only to the usage of his teacher, Bishop Athelwold.

Although Wulfstan was evidently active in religious reform by his own studies, by encouragement of manuscript compilation, by the issue of a rule of life for canons and a code for the priesthood in general, by the circulation of pastoral letters for the clergy of his diocese and by the preaching of homilies to the laity, he had energy left for other activities. His influence on secular legislation must now be considered. Ethelred's code promulgated at Enham in 1008, which has come down to us in two variant Old English versions[3] and in a Latin paraphrase, is said in

[1] P. cix.

[2] The letter deals with a range of subjects, the bars to entry into the priesthood, the limitation of the consecrating of the chrism to Holy Thursday, the abuse by which wine is mixed with water at baptism, the participation of the clergy in battle, etc. The passage in which Ælfric discusses the lawfulness of Caesarian section must have some connexion with the Ely tradition that Wulfstan was born in this way.

[3] Ethelred's Vth and VIth codes.

the last to have been issued at the instigation of the archbishops Ælfheah and Wulfstan. Freeman, who had a high opinion of this code, arbitrarily ignores Wulfstan's influence when he says: 'The whole tone is at once pious and patriotic; the piety is of a kind which, while it strictly enforces every ecclesiastical observance, by no means forgets the weightier matters of the law, judgment, mercy and truth. In all this we can hardly fail to trace the hand of good Archbishop Ælfheah'.[1] The Latin paraphrase concludes with the statement: 'I, Wulfstan, archbishop by the grace of the disposing God, set down in writing these same things,[2] for the memory of those who come after and also for the benefit of those of the present day and those to come, spurred on namely by the love of God and my neighbour.' It has been suggested that this statement refers to the Latin version alone, but this seems unnecessary caution when the vernacular codes are, like all subsequent codes of Ethelred, undoubtedly in the Wulfstan style: a style already fully developed in the original version of homily V and in homily X, both of which are earlier than the code. Moreover, the sources used include the so-called Canons of Edgar, probably, as we have seen above,[3] a work of Wulfstan's, and the so-called Laws of Edward and Guthrum, which I have suggested elsewhere to be another of his works;[4] also the Capitula of Theodulf of Orleans, a text used by Wulfstan on another occasion,[5] and probably a continental canon against the too ready application of the death penalty which occurs only in the Worcester manuscript discussed above, C.C.C.C. 265.[6] The great use made by Wulfstan of this code in his

[1] *Norman Conquest*, i. 368.

[2] *I.e.* the edicts which all the *optimates* have sworn to keep.

[3] Cf. *supra*, p. 29.

[4] *E.H.R.*, lvi. 1 ff.

[5] See Jost, *op. cit.*, pp. 293 f.

[6] The sentiment has not been expressed in general terms in previous legislation. The English code does not translate the Latin, but gives a summary in its own words, and borrowing is therefore more difficult to prove. In my opinion there is enough similarity to make it highly probable. The most relevant passage reads: '*Castigandi sunt enim rei diris flagris vel vinculis et in carcerem mittendi sunt et trabibus includendi et plumis piceque perfusi ad spectaculum publicum in cippum mitti debent et*

later work must also be considered. His most famous homily, the *Sermo Lupi ad Anglos*, is largely based on it.[1] Unless we allow that Wulfstan was the author of the Old English code we are forced to assume that he set his name to a Latin version of a vernacular code written by someone else in his style, and later used his imitator's work for his own impressive homily. This is not very probable and it seems therefore, that if, with Freeman, we wish to attribute the 'weightier matters of the law' to Archbishop Ælfheah, we must nevertheless allow Wulfstan credit for the language in which it is couched and familiarity with the sources from which it is drawn. A rather similar employment of Wulfstan to draw up a legal document is on record in a charter [2] where, after a transaction has taken place 'with King Ethelred's leave and the cognisance of Archbishop Ælfheah and Archbishop Wulfstan and all the councillors who were alive at that time in England', it is stated that 'the king commanded Archbishop Wulfstan to draw up a charter to this effect'.

Though 1008 is the first year in which Wulfstan is mentioned by name in connexion with legislation, I believe, for reasons that I have stated in full elsewhere,[3] that he had already composed a code of regulations concerning ecclesiastical observance in the Danelaw, or in part of it. To this code he wrote a preamble explaining that the regulations had been in force since the earliest days of the Danish settlement, being agreed on first by Alfred and Guthrum,

diversis penis cruciandi sunt ne animę pro quibus ipse dominus passus est, in ęterna pena dispereant.' The Old English statute (V Atr 3, 3. 1) reads: '7 *ures hlafordes gerædnes* 7 *his witena is, þæt man Cristene men for ealles to lytlum to deaðe ne fordeme; ac elles gerædе man friðlice steora folce to þearfe,* 7 ne forspille for litlum Godes handgeweorc 7 his agenne ceap þe he deore gebohte', in which *friðlice steora* seems to summarise the various alternatives of the Latin canon. Wulfstan has already given a closer rendering of the last phrase of the Latin in the previous statute: *þæt man þa sawla ne forfare þe Crist mid his agenum life gebohte.* For the complete canon, see M. Bateson, *op. cit.*, pp. 726 f.

[1] See pp. 15 f. of this homily.

[2] KCD 898; A. J. Robertson, *Anglo-Saxon Charters*, lxxxiii.

[3] *E.H.R.*, lvi. 1 ff.

and afterwards by Edward and Guthrum. This is the document known as the 'Laws of Edward and Guthrum' and frequent use is made of it by the codes of Ethelred written in the Wulfstan style, and also by those of Cnut. Previous to 1008 no code betrays any knowledge of it. After Wulfstan's death, his work continued to influence legal writings and Cnut's codes share many passages with the Wulfstan homilies.

Wulfstan's authorship has been claimed by Jost [1] for the 'poems' in the Anglo-Saxon Chronicle 959 D E and 975 D (where E has substituted a prose summary). There are the familiar Wulfstan phrases, e.g. in 959, *hit godode georne*, 'things improved greatly', *swa him þearf wæs* 'as was needful for him', *Godes lage lufode* 'he loved God's law'; while in 975 there is a Wulfstan ring about *Godes wiþærsacan Godes lage bræcon* 'God's adversaries broke God's laws'. This is, however, clearest in the passage: *7 wydewan bestryptan oft and gelome, 7 fela unrihta 7 yfelra unlaga arysan up siððan, 7 áá æfter þam hit yfelode swiðe,* 'and they plundered widows oft and again, and many wrongs and evil injustices rose up afterwards, and it grew greatly worse ever after'.[2] The similarity recognised by Earle [3] between the 959 passage and Ælfric's Book of Judges is almost certainly borrowing on the part of the Chronicle, not vice versa. Whether these passages, summaries of the reigns of Edgar and Edward the Martyr respectively, are due to an imitator or to our author himself, they cannot be earlier than the extreme end of the tenth century. If Plummer's suggestion that the original of D and E was by this time in the Worcester diocese be accepted, this addition was more likely to be made at Worcester itself than at Evesham [4]; but in view of

[1] *Anglia*, xlvii. 105 ff.

[2] I print as prose, since phrases of an approximately equal length, with almost a verse rhythm, are a feature of Wulfstan's style. Einenkel actually suggests that the *Sermo Lupi ad Anglos* is a poem, in *Anglia*, vii. Anzeiger, pp. 200 ff.

[3] J. Earle and C. Plummer, *Two Saxon chronicles parallel*, ii. 152.

[4] See also the strong case for the Worcester origin of the later part of D made by Sir Ivor Atkins, *E.H.R.*, lv. 8 ff.

the close connexion between Worcester and York, it is not necessary, in order to account for matters of Worcester interest, to assume that this version had left the north. If still in the north, this Wulfstan insertion speaks for York in preference to Ripon.

Having considered the evidence for Wulfstan's varied activities, we are in a better position to reconstruct his career. Of his early training nothing is known. William of Malmesbury's opinion that he was not a monk [1] is offset by the Ely historian's statement that he was,[2] and Florence of Worcester [3] gives him the title of abbot in 1002, and this, though incorrect at this date, may have been true at an earlier period. In later life Wulfstan showed great interest in the Fenland abbeys and perhaps this implies some early connexion with the region. Our first clear evidence about him is his consecration to the see of London in 996.[4] As bishop of London he issued penitential letters, which he later included in a small collection of such letters intended to be used as formulae.[5] It is at this time that he received the letter from an anonymous ecclesiastic refusing to translate some *archana* into Old English at the bishop's request, being debarred by the thought of Wulfstan's eloquence.[6] I have suggested elsewhere [7] that some of the eschatological homilies, regarding the end of the world as imminent, may be what obtained him this reputation ; as, for example, homily XII : ' for the greatest evil shall come upon mankind, when Antichrist himself shall come, that ever has been in the world ; and it seems to us that it is very close to that time, for this world from day to day grows ever worse and worse. Now is there a great need for all God's messengers that they often warn God's people against that terror which is about

[1] *Gesta pontificum* (R.S. 1870), p. 250.

[2] *Historia Eliensis, loc. cit.* [3] Ed. B. Thorpe, i. 156.

[4] ASC 996 F. On the identity of this bishop of London with the homilist and later archbishop, see my article in *E.H.R.*, lii. 460 ff.

[5] See *supra*, p. 31. The group occurs also in the Bodleian MS. Barlow 37, fo. 12.

[6] See *supra*, pp. 28, 34. [7] *Sermo Lupi ad Anglos*, pp. 12 f.

to come on mankind, lest they be taken unawares and then too quickly ensnared by the devil.' [1]

In the penitential letters, Wulfstan calls himself *Lupus*, translating the first element of his name, and this name is used in the rubrics to some of his homilies. As he is never given it elsewhere, and as he always signs charters as *Wulfstan(us)*, I am inclined to think that it is a nom-de-plume rather than a nickname, and I suspect him, in using a literary *alias* at all, to be copying the Carolingian group of scholars, for he certainly was familiar with Alcuin's letters. I have sometimes wondered whether he could have had any thought of Lupus of Ferrières in his mind, but he is unlikely to have known enough about this author to have noticed the similarity of their interests.[2]

It is after his translation in 1002 to the combined sees of Worcester and York that we have evidence of great reforming zeal on Wulfstan's part, zeal no doubt occasioned by his realisation of the laxity of his northern province. He corresponded with Ælfric on canonistic matters and commissioned him to write two pastoral letters for him and to translate them into Old English. One of them he rewrote in his more emphatic style. He translated Amalarius *De regula canonicorum* and for the secular clergy he issued the so-called 'Canons of Edgar'. He addressed a general exhortation to the 'thanes, ecclesiastical and lay, entrusted to his direction in spiritual concerns', a document often called his pastoral letter.[3] His 'Laws of Edward and Guthrum' are concerned with breaches of church regulations primarily in a Danish area; and probably some homilies of clear exposition of the essentials of the Christian faith,[4] with tirades against heathenism, belong to this period. It would be in line with his other activities if the Law of the

[1] Napier, p. 79.

[2] Even if he knew of the manuscript of German customary law which Lupus wrote for Count Eberhard of Friuli, or of his composition of synodal acts, we have no evidence for Wulfstan's own legal activities as early as his use of the name Lupus.

[3] Napier, xix–xxii.

[4] E.g. Napier, ii and iii.

Northumbrian Priests had been drawn up at his instigation.[1] In 1008 he drew up the statutes issued by the king and witan and his influence lies behind all the later codes of this reign. Among them is an ordinance [2] enjoining a three-day fast on the nation, which is closely connected with a homily surviving in two versions.[3] This, which amplifies the code and illustrates divine retribution from the Old Testament, reads like a sermon preached about the time of the promulgation of the ordinance. A similar attitude is shown in homilies based on the denunciatory passages in the prophets and Leviticus, and the culmination is the *Sermo Lupi ad Anglos*, preached after Ethelred's exile, and probably in 1014, as is shown by the passage : ' and a very great treachery it is also in the world that a man should betray his lord to death or drive him, living, from the land ; and both have happened in this land : Edward was betrayed and then slain and afterwards burned, and Ethelred was driven out of his land '.[4] Wulfstan's disapproval of the acceptance of Swegn is clear, and it would be interesting to know what action he took during the few months while Swegn was king in Northumbria. All that can be ascertained is that he was in York within a fortnight of Swegn's death, for he consecrated Ælfwig bishop of London there on 16 February.[5]

From time to time, we get glimpses of Wulfstan's participation in public affairs. Like other bishops of Worcester, he issues leases of the estates of the see,[6] one even after Leofsige had been appointed to succeed him in 1016. He appears as legatee in two wills and as executor in one of them. In 1012 the monks at Sherborne asked him to be

[1] I hope to make a special study of this text later.

[2] Ethelred's VIIth code. [3] Napier, xxxv and xxxvi.

[4] Ll. 75–80. See also note to ll, 79 ff.

[5] ASC 1014 D. Homily xxxvii, a sermon preached at the consecration of a bishop, may belong to this occasion or to his consecration of Æthelnoth as archbishop of Canterbury in 1020 or of Edmund as bishop of Durham about the same year.

[6] For details concerning the information in this paragraph, see *Sermo Lupi ad Anglos*, pp. 8 ff.

their advocate before the king when the ætheling Edmund wished to obtain one of their estates, a fact which supports other evidence for his influence with the king. He consecrated Cnut's church at Ashingdon in 1020 and consecrated Æthelnoth as archbishop of Canterbury, writing to Cnut to inform him that he had done so. He placed monks in the monastery of St. Peter at Gloucester, according to the cartulary of the abbey, in 1022.

Enough remains on record of this prelate for us to see him as a man of fiery zeal who, convinced that the misfortunes of his country were a retribution for sin, strove by all means to bring about reform, not confining himself to impassioned denunciation, though of this he was a master. He toiled to improve the standard of learning and morality of the clergy and to bring all classes to an understanding of the Christian faith and a due observance of the laws of the church, and to put an end to the abuses of contemporary life.

It was a misfortune that Ethelred's reign produced no secular leader of Wulfstan's calibre who could have followed up this religious and moral reform with strong measures for repelling the invader and keeping internal order. The principles stated in the codes composed by Wulfstan are excellent, and agree too closely to the sentiments of his homilies for us to accept Freeman's assumption that Ælfheah is alone responsible.[1] If at times they read more like a treatise on legal principles than a code of statutes, as, for example, ' but every deed shall be carefully distinguished and judgment meted out in proportion to the offence, as shall be justifiable in the sight of God and acceptable in the eyes of men ',[2] or if there is sometimes a note of rather vague

[1] For example, I take it that in referring to the mercy shown in this code Freeman is thinking chiefly of the attempt to stop the slave trade (V Atr 2, VI. 9) and to limit the application of the death penalty (*supra*, p. 36). The first subject occurs in the *Sermo Lupi ad Anglos*, the second comes from a continental canon preserved at Worcester in a manuscript with other Wulfstan sources.

[2] VI Atr. 10. 2.

appeal, as when, after listing crimes including 'shameful frauds and foul adulteries, and horrible perjuries and devilish deeds such as murders and homicides, thefts and robberies, covetousness and greed, etc.'[1] it continues lamely, 'and lo, let it be clearly understood that all such things are to be censured and not approved',[2] it is only fair to note also that the code can be explicit enough about the penalties where new law is being created, as in the statute on desertion from the army,[3] or on plotting against the king's life.[4]

In holding that the Viking raids were a divine retribution, Wulfstan is taking the same stand as Alcuin had done. In one passage on this theme he is actually translating from a letter of Alcuin's: 'There was a historian in the time of the Britons, called Gildas, who wrote about their misdeeds, how by their sins they so excessively angered God that finally he allowed the army of the English to conquer their land and entirely destroy the flower of the Britons. And that came about, as he said, through robbery by the powerful and through greed for wrongful gains, through the lawlessness of the people and through false judgments, through the slackness and base cowardice of God's messengers, who kept silent about the truth all too often, and mumbled with their jaws where they should have cried aloud. Also through the foul wantonness of the people and through gluttony and manifold sins they destroyed their country and themselves they perished.'[5] In other places also there are signs of Alcuin's influence.[6] If Wulfstan took up a purely ecclesiastical attitude to the problems of his

[1] VI Atr. 28. 2 f. [2] *Ibid.*, 29. [3] V Atr. 28. [4] *Ibid.*, 30.

[5] *Sermo Lupi ad Anglos*, pp. 41 f. Cf. Alcuin to Archbishop Æthelheard, M.G.H., Abt. iv, *Epistolae Karolini Ævi*, ii. 47. The letter is contained in full in C.C.C.C. MSS. 190, 265, and in Vespasian A. xiv, and the sentence in question is entered separately on fo. 139 of C.C.C.C. MS. 190; see *supra*, p. 33.

[6] For example, he frequently stresses the cowardice of bishops who do not preach to the people of their sins, using the texts quoted by Alcuin again and again when writing to contemporary bishops: *clama et ne cesses; exalta quasi tuba vocem tuam; canes muti non valentes latrare.*

time, this would have been in accord with a body of contemporary opinion ; but the terms in which Ælfric's letter to him deprecates any interference by a bishop in secular affairs imply that Wulfstan held a different point of view. Ælfric says : ' take heed, lest perchance it is said to you by Christ : who constituted you judge of thieves or robbers ? ' [1] And a little later : ' and Paul said : no soldier of God is to involve himself in secular concerns '. We cannot now know whether Wulfstan paid heed to this and kept himself aloof from secular administration, or whether he strove for reform in this also, but, faced with the inertia and corruption of the lay magnates, worked without any noticeable result during Ethelred's reign.

In conclusion, we may turn to the estimate of later generations. In the west midlands, he left no good reputation. Worcester cartularies call him *impius*, *reprobus*, and one accuses him of having robbed the monks.[2] William of Malmesbury speaks rather slightingly of him. The monks of Worcester may have thought that he subordinated their interests to those of his northern see. There is at any rate no record of any personal aggrandisement at their expense. One of his charters, it is true, leases a Worcester estate to his brother, but Oswold had settled a whole series of relations on the lands of the see without any aspersions being cast on his sanctity. We ought however to notice that Ælfric's letter to Wulfstan mentioned above [3] concludes rather curiously after the valediction, begging him remember the words of the prophet Micah on justice,[4] and regretting the absence from England of justice free from bribery : ' we are all blinded by gifts and pervert judgments as gifts instruct us, *non habentes retributionem uere iusticiae a deo* ' [5]. The position of this warning, away from its natural context where the corruption of bishops has been mentioned in

[1] Fehr, *op. cit.*, p. 226.

[2] *Sermo Lupi ad Anglos*, p. 8. Atkins, *op. cit.*, p. 19, calls attention to the scarcity of information about him in Worcester documents.

[3] *Supra.*, p. 34†. [4] Micah vi. 8. [5] Fehr, *op. cit.*, p. 227.

general terms, seems a little pointed, as if Ælfric, if not actually aware of a streak of cupidity in Wulfstan's nature, at least thought him exposed to particular temptation.

There is no suggestion of any flaw in his character in the Ely account.[1] He is ' an excellent man ', ' strong in good qualities ', ' all his qualities and deeds served religion '. As he had been a benefactor of the abbey and it possessed (and still possesses) his body, exaggeration of his importance and his virtues is to be expected. Yet I think we may claim that the following passage, in spite of its extravagant expression, is not entirely without foundation : ' by them (the kings, Ethelred, Edmund and Cnut), he was loved as a brother and honoured as a father, and frequently summoned to the highest affairs of the realm, as being the most learned of counsellors, in whom spoke the very wisdom of God, as if in some spiritual temple.'

[1] *Historia Eliensis, loc. cit.*

THE ORIGIN OF IMPEACHMENT

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Strangely enough, it is only during the last few years that constitutional historians have turned their attention to the origin of impeachment. Yet it was one of the most spectacular of parliamentary proceedings, often a decisive weapon in political warfare, and of such proved usefulness that it came to be regarded as an inherent function of any representative legislature, and as such it figures not only in the American constitutions but also in so recent a document as the Weimar constitution of 1919.

This neglect on the part of historians is possibly due to the fact that the seventeenth-century lawyers framed a theory of its nature which seemed also to explain its origin. According to this view, the commons were the grand inquest of the nation, and the whole proceeding was merely the common law trial on indictment transferred to the larger scene of parliament.[1] Stubbs did not inquire into the problem of origins, and both he and Sir James Stephen [2] seem to have assumed the substantial correctness of the seventeenth-century view.

The late Miss M. V. Clarke seems to be the first to make a serious study of the problem of origins, and in the course of a long and careful essay she was led to the following

[1] Miss Clarke, *Fourteenth century studies*, p. 268, traces the rise of this notion to the year 1624; it became classical dogma in Hale, *History of the pleas of the crown*, ii. 150.

[2] Stephen, *History of criminal law*, i. 145 ff. (a confused and unhelpful chapter).

conclusions.[1] In the first place, 'the impeachments of 1376 were a daring novelty', an 'improvisation devised . . . to satisfy the clamour of angry partisans'. This improvisation, however, took place in an age which was consciously torn between two divergent tendencies. On the one hand there was a strong feeling that criminal and civil proceedings ought to be conducted only by 'due process' in accord with the established principles of common law. On the other hand, it was felt equally strongly that there could be no effective check upon official misconduct unless by a drastic, summary and exceptional procedure which should be sufficiently powerful to reach ministers and others in high places. That dilemma undoubtedly existed, and contemporaries were possibly well aware of it in the closing years of Edward III's reign. The solution, Miss Clarke suggested, was found in the use of the petition: 'on two occasions at least the Commons had made use of the common petition to initiate criminal proceedings', viz., in 1348 against Wesenham and Chiryton, and in 1368 against Sir John Lee. On the basis of those two cases 'it is not too much to conclude that the petition is beginning to take on the appearance of an indictment'. The turning-point was the proceedings against William of Windsor in respect of his conduct in Ireland. In part at least, those proceedings included indictments regularly taken by justices in Ireland, and so could be plausibly described as due process. The Good Parliament in 1376 took the final step. 'In the face of Latimer's protests, Parliament had maintained the right of the Commons, as a body, to present an indictment', and so impeachment became 'a prosecution in which the Commons, as a whole, took over the functions of the jury of presentment'. It therefore seems fair to conclude that in Miss Clarke's view the traditional story is confirmed by her investigation, and that impeachment by

[1] M. V. Clarke, 'The origin of impeachment', in *Oxford essays in mediaeval history presented to H. E. Salter*; it will be cited here from the reprint in Clarke, *Fourteenth century studies*, pp. 242–71.

the Commons is not only analogous to an indictment by the grand inquest of the nation, but actually originated in that way.

A further contribution to the problem came from Professor Wilkinson,[1] who approached the events of 1376 from the point of view of parliament. His main concern was not with the nature of the petitions which turned into 'indictments' (and it will be observed that his only comment on this proposition is to insist that the process was slow, and suffered some reverses), but rather to find out who dealt with them. He discerns in the records evidence that the lords in parliament were overshadowing the council, and even the king. There were accidental causes for this —Edward III was unable to take any real part, the Black Prince lay dying, and John of Gaunt was not nominated to the council of reform which had just been set up. As a result, the lords at large had to take charge of the proceedings without guidance from any member of the royal house. It is not surprising that this factor caused some anxiety in the next reign when Richard II demanded of the judges whether the lords and commons can impeach without the king's will.[2] This no doubt was the most characteristic feature of impeachment in its later form, and Dr. Wilkinson's discussion of it adds a valuable item to the store of material collected by Miss Clarke.

These two articles are a promising beginning; but they have not solved the problem of the origin of impeachment. There is much truth in Miss Clarke's exposition of the divergent tendencies of 'due process'[3] and the drastic punishment of official corruption, and at first sight it seems plausible to suppose that a simple solution was found along the lines she suggests, namely, by treating the accusations

[1] B. Wilkinson. 'Latimer's impeachment and parliament in the fourteenth century', in *Studies in the constitutional history of the thirteenth and fourteenth centuries*, pp. 82–107.

[2] *Rot. Parl.*, iii. 233*b*.

[3] The phrase is at least as old as 1339: *Year book 12 & 13 Edward III* (Rolls Series), 101.

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of the commons as an indictment, thereby bringing the trial into line, more or less, with the normal common law procedure. The attractiveness of this theory, and its currency during the last three hundred years, have concealed from us the fact that it rests upon no evidence whatsoever. If this had indeed been the solution which the parliamentarians of 1376 discovered, they would surely have left us in no doubt of its nature. If this theory were true, when Latimer questioned the legality of the proceedings, he would have been told bluntly that he was under indictment, an indictment found by the commons as the grand inquest of the nation. No language of this sort is to be found in the middle ages. The commons are frequently said to 'impeach', to 'complain' or even to 'accuse', but the rolls do not say that they 'indict'.

It is the purpose of this paper to suggest that the problem of impeachment is a problem of criminal procedure, and to give a few specimens of the results obtainable by this approach. At the outset it becomes apparent that this is a field upon which little work has been done. It is characteristic of much of our English legal history that attention should have been directed mainly to those factors which have survived into modern law. Those factors, however, are by no means the whole story, for there were others (some of them bizarre to modern eyes) which played an important part in their day, although they have long since disappeared. It is the normal trial on indictment which figures in the Year Books and in all the classics of criminal law, and consequently in the works of legal historians; other procedures occur there but rarely, although their importance is evident from the records of some local jurisdictions and—at the other end of the scale—in many state trials. It is here that the most serious gap in our literature occurs. There is abundant material for the state trials of the middle ages, and much of it is actually in print. If it were collected on a scale comparable with the great series of *State Trials* for the modern period, there would remain

no further doubt as to the high importance of this material for the history of ideas upon criminal law and procedure.

A preliminary survey of a few of the most accessible and best known cases of the earlier fourteenth century at once suggests that there were several ways besides indictment of putting persons on trial for serious offences of a seditious character.[1] They are worthy of study because procedure held a much higher place in the middle ages than now. At the present day, we expect a trial to be substantially fair; in the middle ages they felt it more important that the procedure should be flawless. It is this attitude towards procedure which lies at the root of English constitutional law as well as the conception of 'due process' which has been so powerful in America.

On Miss Clarke's theory, the procedural development of impeachment was a transition from petition to indictment, and, as we have seen, she cited two instances in proof of her contention that a common petition in parliament was sufficient to initiate a criminal prosecution. The first was in 1348 [2] when three petitions of great interest were presented in parliament.[3] In the first, the commons complained that 'certain merchants' who had farmed the custom and the subsidy on wool were guilty of malpractices 'whereof they pray you [the king] for remedy, and that the said merchants be put to answer in this parliament for such outrage and oppression done to your people'. The royal reply was 'let the merchants be called into parliament and have their answer'. The second petition alleged a conspiracy of 'certain merchants' operating in wool for the king's account, praying for an investigation of false weights and the punishment of the evildoers by the advice of the council. The reply to this was more detailed: the king would assign councillors to hear and determine these matters,

[1] See further, Plucknett, 'Rise of the English state trial' in *Politica*, ii. 542.

[2] Not 1347 as Clarke, *op. cit.*, p. 257.

[3] *Rot. Parl.*, ii. 169, no. 38; 170, no. 49; 171, no. 58.

and if any of the commons would inform the king giving precise details, he should be heard; the justices of false money were to deal (it seems) with the matter of false weights. In the third petition 'all the merchants of England' complained that although they had paid to 'certain merchants' a shilling a sack for convoy protection across the Channel, the convoys were not forthcoming; they therefore prayed that the offenders be summoned into parliament to satisfy the injured parties and answer to the king for the moneys. This time the reply was 'let persons and places be assigned for hearing the plaints of all who will complain of the said merchants'.

In two of the three petitions, the commons prayed for a hearing in parliament, and once the crown accepted the proposal. To two petitions the crown promised not a parliamentary hearing, but the appointment of special commissioners, possibly of *oier* and *terminer* (although one of these might also be construed as offering a hearing before selected councillors). The enrolment of the petitions is remarkable in omitting to name the culprits. Whether the petitions were themselves so reticent is uncertain, but the royal reply to the first petition contemplates no difficulty in summoning the parties concerned, and in fact two of them disclosed their identity at once. John de Wesenham and Walter de Chiryton [1] put in a petition to the king and council (duly enrolled with the other parliamentary petitions) saying that they have heard of divers bills in which the commons complained against them, and that they desire to make a full answer before the council.[2] No reply is enrolled and no further proceedings are discoverable from the parliament roll. There seems very little out of the

[1] For valuable light upon Cheriton's adventures in high finance see Sayles, 'The "English Company" of 1343' in *Speculum*, vi. 177.

[2] *Rot. Parl.*, ii. 173, no. 68. For one more remark upon this case see below, p. 69. At least one merchant brought common law proceedings against Wesenham (*ibid.*, p. 175, no. 1), and Cheriton's misdeeds were the subject of parliamentary complaint for some years: *ibid.*, p. 230, no. 33 (1350); p. 242, no. 46 (1352); p. 307, no. 33 (1371).

ordinary in this incident. Complaints against official misconduct are fairly common in parliament. In this particular case, however, there is nothing to show that anything like a trial or hearing took place in parliament—or, for that matter, anywhere else. In the absence of these essential elements, there seems no ground for connecting the incident with the rise of impeachment.

The second instance cited by Miss Clarke was the case of Sir John de la Lee (or atte Lee), steward of the household, in 1368.[1] On this occasion the proceedings were very peculiar. To show his appreciation of a grant, the king entertained to dinner the magnates and 'several of the commons'. After dinner the magnates and 'some of the commons' went to the White Chamber, and from this point onwards it would seem that the king was not present. Lee was brought before them, and at the bidding of the lords Chief Justice Thorpe explained that Lee was taxed [2] with divers matters contained in petitions presented in parliament. One had been presented by a certain William Latimer; to it Lee proffered an explanation which the lords deemed insufficient. Thus far the roll is full and gives Latimer's petition textually, but at the cost of exhausting the patience of the clerk. Consequently the rest of the proceedings are only sketchily enrolled. Lee was taxed with some further matters 'before the lords', but whether these also arose out of petitions in parliament (as Miss Clarke supposes) does not appear from the roll. Of Lee's defence we are only told that he could not give sufficient lawful excuse and so he was remanded to the Tower until he could make fine and ransom with the king: 'and so departed the prelates, dukes, earls, barons and commons'. Subsequently, Lee was brought by the king's order before the great council and further examined on the matters in Latimer's petition; he submitted to the council which

[1] *Rot. Parl.*, ii. 297–8.

[2] The roll says 'mys a resoun' which by itself may possibly not be a technical term implying legal procedure (cf. the use of 'arraisonner' in modern French); but see Hale, *History of the pleas of the crown*, ii. 216 ff.

ordered the restoration to Latimer of various properties and the cancellation of a number of deeds. Of the other matters we hear no more. This case seems even less helpful than that of 1348. The earlier example did at least show charges laid in a common petition; in 1368 we have no certain knowledge of any petition save that of Latimer. The proceedings in the White Chamber no doubt made a pleasant conclusion to the king's dinner party, but the real business was done by the great council, and along lines no different from any other case before the council. It can hardly be taken as throwing much light upon the origin of impeachment. The most that can be deduced from these two cases seems to be that a petition (whether common or individual) might result in the party being asked to explain in parliament, but the trial and judgment, as far as we have record of them, took place elsewhere.

The transition between these proceedings and the 'indictment' of offenders by the Commons in parliament is very difficult to detect, and it was with much hesitation that Miss Clarke pointed to Windsor's case as a likely link.[1] Nowhere is it stated in the printed documents, however, that Windsor or his fellow offenders were 'impeached'; the only proceedings resembling a trial are clearly stated to have been before the council; the Irish Commons (or some of them) did indeed come to England, under protest, but it is pure conjecture to suggest that 'the Irish commons may have presented their accusations in person' and that 'the procedure probably resembled that devised for impeachment in the Good Parliament'.[2] The resemblance, faint as it is, has been unhappily enhanced by the misuse of a technical term. Windsor and his fellows were attacked in two distinct documents, one a formidable screed of eighty-five articles,[3] the other a roll of indictments found by various

[1] Clarke, *Fourteenth century studies*, p. 260. For the Windsor affair, see Clarke, 'William of Windsor in Ireland' in *Proceedings of the Royal Irish Academy*, 1932 (which will be cited here from the reprint in her *Fourteenth century studies*, pp. 146–241).

[2] Clarke, *op. cit.*, p. 157.

[3] Printed *ibid.*, pp. 184–205.

Irish juries before royal commissioners.[1] The council certainly took sworn evidence and heard the defence of some of the accused to the eighty-five articles; whether the indictments were ever the basis of further proceedings does not appear. It was the possible association of the Irish commons with the eighty-five articles, and the fact that some proceedings did take place in consequence, which lies at the root of Miss Clarke's argument that we have here a sort of impeachment, and so she was led to apply the word 'indictment' to the eighty-five articles, and to dismiss the true indictments as merely 'charges'.[2] If there were any contemporary warrant for calling the eighty-five articles indictments, then the current theory of the nature of impeachment, and Miss Clarke's view of its origin, would gain considerably in force. But the facts are against it. In the fourteenth century, as now, 'indictment' means an allegation of crime made by a jury before a royal officer. The word is not applied by contemporaries to the eighty-five articles laid against Windsor and the others, nor to the charges made against those who were impeached by the Good Parliament. We feel bound, therefore, to abandon the theory that impeachment grew out of the practice of treating petitions, or lists of charges, as if they were actually or constructively indictments.

If we reject that view, then the whole question of criminal procedure is again thrown open. Now the statutes (as Miss Clarke observed) constantly refer to appeal, indictment or original writ as being the main, perhaps the only, legitimate modes of setting the law in motion. As a battle cry for fourteenth-century parliamentarians that was no doubt effective enough, but as an analysis of legal procedures that enumeration is far from exhaustive. The common law itself admitted without question several other procedures. Bills and *querelae* are the best known examples; to them must be added informations, upon which new light is now

[1] Calendared *ibid.*, pp. 220–32.
[2] *Ibid.*, pp. 260–1.

available.[1] There are still others, and among them two which have a direct bearing upon the problem of impeachment. These are conviction by record, and conviction by notoriety. They are two distinct ideas, although often found in conjunction.

The early history of record is a wide and important subject.[2] Only a small part of it is germane to this enquiry, namely, the incontrovertibility of the king's word. The principle was old and far from obsolete in the fourteenth century. Certain royal officers shared the privilege with him, notably the coroner, whose record would be enough to hang a man.[3] In spite of the insistence of parliament upon 'appeal, indictment or original writ' as being the sole lawful means of instituting legal proceedings, we find parliament itself extending the scope of conviction by record. Thus in 1391 it was enacted [4] that justices of the peace should visit the scene of a forcible entry accompanied by the *posse comitatus*, 'and if they find any that hold such place forcibly . . . they shall be taken and put into the next gaol, there to abide convict by the record of such justices . . . until they have made fine and ransom to the king'. In the next reign these powers were still further defined by a statute [5] of 1411—'the said justices and sheriff or under-sheriff shall have power to record that which they shall find so done in their presence against law; and that by the record of the said justices and sheriff or under-sheriff such trespassers and offenders shall be convict'.

The king himself sometimes convicted traitors by his

[1] Sayles, *Select cases in the court of king's bench* (Selden Society), iii. lxxvi, draws attention to new material.

[2] See the valuable discussion and useful bibliography by S. E. Thorne, 'Notes on courts of record in England' in *West Virginia Law Quarterly*, xl. 347.

[3] *Eyre of Kent* (Selden Society), i. 80 (1313); *Year Book 11 & 12 Edward III* (Rolls Series), p. 627 (1338). Similarly the bare word of Hengham, J., sufficed to convict two men of a trespass which he had happened to see: *Select cases in the court of king's bench* (Selden Society), i. 112 (1283).

[4] 15 Ric. II, c. 2.

[5] 13 Hen. IV, c. 7.

own record. The condemnation of Thomas of Lancaster and of some of his partisans in 1322 took this form.[1] Within a week of his defeat at the hands of Andrew Harcla, earl of Carlisle, Thomas was brought to trial before the king himself, seven of his fellow earls, and some unnamed barons and magnates. Thereupon the king 'recorded' the operations leading to the battle, Lancaster's warlike array with banners flying, the conflict and his capture. These facts were manifest and notorious to the assembled lords and to the people, and so he was adjudged to death. A few days earlier, Roger Damory was sentenced by the constable and marshal [2] for crimes which were notorious to the earls, barons and people, as the king had awarded 'by his royal power and record'. Nor was this procedure a peculiarity of peerage or military jurisdictions, for we find at the same time a commission of common-law judges condemning the Mortimers for notorious treasons which the king recorded against them.[3] By a curious irony Harcla himself suffered under the same procedure in the following year. A small commission was empowered to degrade him from his new earldom and to pronounce the sentence contained in a certain 'form'. The 'form' was a recital of his treasons which were notorious and known to the realm, and which the king recorded.[4]

Conviction by record, therefore, was a fairly familiar procedure, and one which parliament was willing to entrust even to such lowly ministers as the justices of the peace, as indeed the common law had long accorded it to the coroner. Its use by the king himself as a form of state trial, particularly when it was directed against a peer, was

[1] The process was enrolled on the patent and close rolls, whence it is printed in Rymer, *Foedera* (Record Commission), ii. 478; it was recited verbatim in *Rot. Parl.*, ii. 3.

[2] Palgrave, *Parliamentary writs*, ii, pt. ii, app. 261 (from the king's bench roll, the record having been removed into that court at a later date).

[3] Printed in J. Conway Davies, *Baronial opposition to Edward II*, p. 565 (from exchequer miscellanea).

[4] Palgrave, *Parliamentary writs*, ii, pt. ii, app. 261.

a rather different matter, and aroused some questioning. With the opening of the new reign, Edward II's use of conviction by record was formally challenged when Henry of Lancaster, as heir, brought a writ of error in parliament to reverse the judgment upon his brother. Henry's assignment of errors is an important text in the history of constitutional law. He pleaded (1) that any subject who is accused in time of peace of treason or felony ought to be arraigned, put to answer, and convicted according to law; yet Thomas was neither arraigned nor put to answer, but condemned on the king's record; and this in time of peace. He pleaded (2) that Thomas was 'one of the peers and magnates of the realm' and so according to the great charter should have been judged by his peers. This is not the place for an extended commentary on arraignment [1] or upon the interesting submission that the battle of Boroughbridge did not interrupt the 'time of peace'.[2] It is enough to observe that the plaintiff in error succeeded (whether on one or on both points does not appear) and the judgment was reversed, by the king, nobles, magnates and all the community of the realm in parliament.[3]

Conviction by record of the king should therefore have ended with this solemn judgment of 1327. A new political revolution in 1330 soon afforded an opportunity of restoring it, however, at least in part. The younger Mortimer, condemned under the same circumstances as Thomas of Lancaster, and like him absolved in 1327, now stood trial a second time as a result of the dark deeds in Nottingham Castle.

[1] Hale, *History of the pleas of the crown*, ii. 216; Pike, introduction to *Year book 19 Edward III* (Rolls Series), pp. xxxvii ff.

[2] The argument was that since the courts were open it must have been time of peace. Cf. Finlason's note to Reeves, *History of English law*, ii. 433; Richardson, 'Glanvill continued' in *Law Quarterly Review*, liv. 388, note 24; *Year book 20 & 21 Edward I* (Rolls Series), 192; Pike, introduction to *Year book 14 Edward III* (Rolls Series), xv, 130; *Rot. Parl.*, ii. 428*a*; Coke, *First Institute*, 249*b*; Dicey, *Law of the constitution* (8th edn.), p. 545.

[3] Printed in *Rot. Parl.*, ii. 3 (from the close roll).

Mortimer's second trial [1] presents some significant points of contrast with the first. Instead of a list of charges being cast in the form of an invective addressed to the prisoner in the second person, we now have a schedule of fourteen charges headed 'These are the treasons, felonies and misdeeds made against our lord the king and his people by Roger de Mortymer and others of his covin'. At the first trial the accusation concluded with the statement that the facts were notorious, that the king recorded them, and that 'this court' (a commission consisting of the treasurer, the mayor of London, two justices and a baron of the exchequer) 'awards that you be drawn', etc. The schedule at the second trial concludes with a charge from the king to 'you the earls, barons and peers of his realm' to make upon Mortimer the judgment due to one truly guilty (as the king believes), 'and that the said things are notorious and known to be true to you and all the people of the realm'.

Clearly, the reversal of Lancaster's condemnation (and of Mortimer's first condemnation) was present in men's minds. The new proceedings were in parliament and before the peers. Moreover, there is no attempt by the king to record the prisoner's guilt and to condemn him out of hand. Instead, the king demands a judgment from the peers on the basis of facts which he invites them to consider as notorious. The peers gladly shouldered the disagreeable task which the young king had dropped. To them the affair must have seemed a triumph for their order. Mortimer was being tried this time by his peers and not by a commission; his judgment was not the result of the king's royal power of record but proceeded from the peers themselves. They retired to consult, and came back with the decision that the matters in the schedule were indeed notorious, and so they (with the consent of the king) as judges of parliament sentenced Mortimer to death and appointed the earl marshal to execute it. Here then, we have the second of our two principles, conviction by

[1] Printed in *Rot. Parl.*, ii. 52 (from the parliament roll).

notoriety, as the sole basis of the proceedings uncomplicated by the king's record.

Conviction by notoriety is likewise an old and established idea. The hand-having and back-bearing thief who is taken with the maynour 'carries his judgment with him',[1] in Bracton's expressive phrase. All that remains is to execute the judgment; there is no place for a trial for it is absurd to invite the culprit to deny a manifest fact. All this, says Bracton, is ancient, but he prematurely rationalises the old practice in learned language and treats it in terms of evidence—of 'violent presumptions' which are by law irrebuttable.[2] Akin to this attitude is the notion of ill-fame. It lies at the root of the common-law indictment, and indeed the indictee who was acquitted often proceeded against the grand jurors for 'defamation'.[3] There was a tendency to regard ill-fame as equivalent to proof, but more often there was a compromise: a person indicted of a crime and acquitted, might nevertheless be punished [4] if he were of ill-fame, and might perhaps be subjected to an additional or more painful ordeal. It was but natural that the particularly hazardous or painful ordeal appointed for the man of ill-fame [5] should be regarded in later times as being in fact a punishment for the crime of being an ill-famed or suspicious person. This can be seen in Lyndwood's treatment of heresy,[6] as well as in some of our vagrancy offences. Medieval indictors often aggravated their accusation by adding a count that the accused was a 'common malefactor' or a 'common thief'. Indeed, upon occasion, a common malefactor has been imprisoned,[7] and a common

[1] Bracton, *De Legibus* (1640), fo. 141, 'qui suum secum portat judicium'; cf. fo. 152.

[2] Bracton, fos. 137–137*b*.

[3] Until 1327 when 1 Edw. III, st. 2, c. 11 forbad it.

[4] So under the Assize of Clarendon (1166), c. 14, persons found clean by the ordeal may yet be exiled if of bad fame.

[5] For interesting material on the early continental history of ill-fame see Goebel, *Felony and misdemeanour*, i. 65 ff.

[6] Lyndwood, *Provinciale* (ed. 1679), p. 290 gl. *purgaverit*.

[7] Putnam, *Proceedings before justices of the peace* (Ames Foundation), p. 154, no. 2 (1338); cf. *ibid.*, p. cxxxiv. *n.*

thief hanged,[1] without the indictment laying any specific offence. In 1380 the commons prayed that justices of the peace might determine 'notorious larcenies',[2] and in 1402 the church agreed to withdraw the right of canonical purgation from clerks who had been handed over as 'notoriously known to be common thieves'.[3] As late as 1548 the Act of Uniformity could speak of conviction 'according to the laws of this realm by verdict of twelve men, or by his own confession, or by the notorious evidence of the fact'.[4] In short, notoriety has been recognised at various times as operating as an instant conviction and also as constituting a separate crime of being a 'common' malefactor, thief or the like. Mortimer's condemnation on the strength of notoriety, even without the intervention of the king's record, is therefore referable to this principle.

It is easy to understand the reluctance of the young Edward III to condemn Mortimer by record, especially as the decision in Henry of Lancaster's writ of error was so fresh in men's minds. A few years later, however, he grew more bold, and revived the procedure of conviction by record. How often he used it we cannot tell, for the one case we know of seems to have attracted little notice and has come to our knowledge only indirectly. It concerned, moreover, a person of no great eminence who figures on the English rolls as 'David Marshal, a Scot, traitor'. As early as November 1333 the king began disposing of the estates forfeited through his treason,[5] and was still doing so in 1335[6]; in 1335, moreover, Balliol and the earl of Warenne

[1] *Ibid.*, p. 164, no. 54 (1341). Some years later the statute 34 Edw. III, c. 1 (1361), gave powers to justices of the peace to take sureties for good behaviour from persons not of good fame—powers which are still used.

[2] *Rot. Parl.*, iii. 83, no. 38.

[3] *Ibid.*, p. 495, no. 30; 4 Hen. IV, c. 3.

[4] 2 & 3 Edw. VI, c. 1.

[5] *Calendar of fine rolls* (*1327–1337*), 375. This was in November 1333, and the date, together with the subsequent reference to an inquest at Berwick, suggests that Marshal's troubles were connected with the capture of Berwick in July 1333.

[6] *Cal. Pat.* (*1334–1338*), p. 171.

captured David and his wife in Combrenouth castle.[1] At this point David's fortunes (and no doubt his politics) changed. We soon find the erstwhile traitor receiving grants and grateful acknowledgement of his good service to the king in Scotland.[2] Soon he set about recovering his 'forfeited' lands from the king's grantees, and to this end brought a *scire facias* against Michael Presfene, grantee of the manor of Middleton-nigh-Belford, Northumberland. Presfene appointed his attorney in the action [3] in November 1338, and in Hilary Term 1339 it came on in the Chancery,[4] on what later ages called the 'common law side'. The substance of Marshal's case was that he had not been a traitor and so forfeited nothing: consequently the royal grant failed entirely. To this the tenants said:

> You have there by the king's writ which you have there before you, that the king himself records that David Mareschal levied war against him and so incurred forfeiture, by reason of which forfeiture the king seized, etc., and so he is outside the law: so we demand judgment whether he is entitled to be answered.

It is not immediately clear what this argument means. It is safe to conclude, however, that Marshal was not regularly outlawed by the usual exigent in the county court —if he had been, the defence would simply have pleaded the fact and the case would have been at an end. Instead, the defence argues for some sort of constructive outlawry as the justification for the king's action. The proof of that outlawry is the king's record in his writ. It is unfortunate that we know nothing about this writ. The variant reading of one manuscript has 'charter' instead of 'writ', but this is manifestly wrong: a mere recital in a patent of grant would not have sufficed to deprive a subject of his lands. It is more likely that the 'writ' was the writ to the escheator

[1] *Chron. Knighton* (Rolls Series), i. 473.
[2] *Rotuli Scotiae* (Record Commission), i. 523*a*, 530*b*, 541*a*.
[3] *Cal. Close* (*1337–1339*), p. 616.
[4] *Year book 12 & 13 Edward III* (Rolls Series), pp. 96–101.

ordering the seizure, which writ was certainly recited in the *scire facias* instituting these proceedings. Once again, however, the effect of a recital in so purely ministerial a document as a writ to an escheator is open to grave doubts. There is no suggestion that any judgment or any sort of trial had taken place, and so we must conclude that the king's title rested upon his statement that Marshal in fact levied war. That statement seems to have been the sole root for the subsequent series of writs and grants. If this is so, then Edward III was going further than his father had done in Thomas of Lancaster's case, for this time there was no formal judgment, and not even a regular outlawry (which would have been the proper procedure since Marshal was apparently not to be found at that moment).

This view is confirmed by Marshal's reply. His counsel stated, first, ' it is ordained by statute that the king ought not to record save by due process ; and this record is not by due process but upon suggestion '. This is not a denial of the royal power of record, but rather a submission that the power had been improperly exercised, for the king had recorded upon a ' suggestion ' (or ' information ' as it would have been called later) and not upon his own knowledge. The alleged statute can only mean the decision in parliament reversing Lancaster's condemnation. Secondly, it was said further that Marshal had sued to the king at Berwick protesting against the virtual outlawry, and so an inquisition was taken. As a result it was found that Marshal had committed no treason at all. Willoughby, J., made one important pronouncement : ' when the king records anything of his own view, that record shall never be annulled ; but when he records upon the relation of another, that record can be defeated by such suit as he has here made ' (i.e. by the verdict of an inquisition).

Such, then, were the two principles of conviction by record, and conviction by notoriety, in their harshest form. They were sufficiently established to be regarded as having legal recognition, and their use must not be dismissed as

merely political vindictiveness devoid of all legal warrant. As we have just seen, Marshal's case endeavoured to set reasonable limits to conviction by record. Later still conviction by notoriety, as exemplified in Mortimer's last trial, was impliedly condemned. The victim's grandson and heir brought a writ of error in parliament [1] in 1354 and succeeded in getting the record quashed 'because the said earl was put to death and disinherited without any accusation, and without being brought to judgment and to answer'. The reversal is not couched in the precise language which so momentous an occasion would have justified, but it is sufficiently clear that parliament now regarded conviction by notoriety as illegal, even when parliament itself used the procedure.

The reversal of Mortimer's condemnation in 1354 is not the only sign that conviction by notoriety was being regarded as unsatisfactory. As we shall see in a moment, even the manifest thief now comes to be treated with a little more ceremony; similarly, the judges at Westminster soon begin to show disapproval of the vague type of indictment which alleges that the prisoner is a 'common thief' without adducing any specific instance.[2] This indicates a good deal of progress. Instead of the layman's impatience with forms, and his belief that what seems to him obvious or notorious needs no further examination, we now see the lawyer's characteristic caution and his insistence that as a matter of policy the solemnities of the law must always be observed.

A sign of the new trend can be seen in the trial of Chief Justice Willoughby in 1341—the same judge whose notable remarks in Marshal's Case upon conviction by record have already been mentioned. The political events leading up to the constitutional crisis of that winter are now well

[1] *Rot. Parl.*, ii. 255, no. 9; 256, no. 12; the claimant is variously described in this record as 'son' and 'cousin' of his 'grandfather'.

[2] *Eyre of Kent* (Selden Society), i. 141 (1313–14); 22 Ass. 73 (1348); 25 Edw. III, st. 6, c. 9 (1352); 29 Ass. 45 (1355).

known [1]: the resulting state trials, however, are still in considerable obscurity. Willoughby's is known to us in detail only from a single Year Book manuscript.[2] His trial was under a commission directed to Parving (the 'Parning' of the Year Books, treasurer and an ex-chief justice), Sadington (chief baron), and Scot (now chief justice of the king's bench). This document recited that 'by the common fame and clamour of our people, as well as by divers petitions presented to us and our council' the king learnt that the prisoners, Willoughby and others, had misconducted themselves in their offices. The commissioners were to arraign them and hear and determine this charge, and to enquire for other charges 'by inquisition or by any other lawful means you may devise'.[3] The trial opened with the reading of this commission, and Willoughby immediately began to raise objections. The report proceeds thus:

> WILLOUGHBY. The king will not be received without being informed by indictment, or by the suit of a party supported by pledges [to prosecute].
>
> PARVING. He is informed by the clamour of the people.
>
> . . . . . .
>
> And several bills were read which were not supported by pledges, and as to which nobody made suit. And among others, the commune of the county of Nottingham complained that whereas several men were there indicted for forest offences, some of whom made fine with the king for half a mark and others for ten shillings, Willoughby took ten marks of some, and of others ten pounds to reduce the fine.
>
> . . . . . .

[1] Lapsley, 'Archbishop Stratford and the parliamentary crisis of 1341', *Engl. Hist. Rev.*, xxx. 6 ff., 193 ff.

[2] *Year book 14 & 15 Edward III* (Rolls Series), 258.

[3] *Cal. Pat.* (*1340–1343*), pp. 110–11. Extracts from the text are printed in the introduction to the *Year book*, p. xxiii. As the commission is dated 13 Jan., 1341, the trial was probably in Hilary term 1341; the *Croniques de London* (Camden Society), p. 87, date it 10 and 11 Jan., 1341. The year book seems to have misplaced it in Michaelmas term 1340.

Another bill by the commune of the county of Lancaster [complained] that

. . . . . .

Another bill [was] at the suit of the party, to wit, Lawrence de Lodelowe, Knt. [complaining] that

. . . . . .

And then Willoughby put himself on the king's grace.

The details of the charges, and the still more illuminating explanations put forward by Willoughby, need not be considered here although they are of high interest for the light they throw upon criminal procedure. The first point of present concern is that the crown alleged that the notoriety of the prisoner's misdeeds was sufficient to put him upon his trial without an indictment. Notoriety therefore enters upon a new role, that of serving instead of an indictment as the basis for a common law trial; no longer does it work an instant conviction. It is significant that a corresponding change had taken place in the effect of *maynour*. Instead of a thief with the *maynour* being summarily put to death, the new view is that the *maynour* merely serves instead of an indictment.[1]

Secondly, the circumstance that a number of 'bills' were put in need cause no surprise; they were a common feature both at Westminster and in the country.[2] Willoughby's objection, however, was not that he was called upon to answer bills, but that the bills were in an irregular form, inasmuch as they were not supported by pledges nor

[1] *Year book 17 Edward III* (Rolls Series), p. 214 (1343), states the principle, although it hardly applied to the case in hand, for the stolen cup was not found in the prisoner's possession; but the court was disposed to treat it as constructively maynour. For a prisoner who was discharged in 1290 because he was neither appealed nor indicted nor taken with the maynour, see Sayles, *Select cases in king's bench* (Selden Society), ii. 26.

[2] Their use as initiating criminal proceedings excited protest however; *ibid.*, ii. 131 (1292). For further examples of prosecutions initiated by private information, see *ibid.*, iii. 63, 106, 168.

presented by any specific accuser. These objections were weighty. Until that moment, our criminal procedure could only be regularly set in motion by some certain, named person, who incurred liabilities if it should be found that the law and its machinery were being abused. Indicting jurors once risked prosecution for conspiracy if they misused their position [1] (to say nothing of ecclesiastical proceedings for defamation).[2] Similarly, it was a reasonable requirement that bills should be in the name of the person exhibiting them, and supported by ' pledges to prosecute '. If the proceedings were not pursued, or if they were terminated by judgment for the defendant, then the complainant and his pledges were amerced and sometimes fined. This was merely transferring to bills the requirements which all common law writs contained, namely, that the writ was not to be put into effect until the sheriff had received security from the plaintiff to prosecute.

Serious as was the defect of a bill unsupported by pledges, that was nothing compared to the startling anomaly of a bill without a proponent. Petitions from groups and communities asking for administrative favours were common enough in parliament and the council, and bills which purported to proceed from the ' commons ', the ' clergy ', the ' merchants ' of the land or of a particular locality were good enough as a means of drawing attention to a grievance ; but it was quite another matter to put a man upon his trial as the result of such anonymous documents. Willoughby doubtless fought this, and every other point in the case, with all his might. For two days he battled until his strength and his voice gave out and he could no longer utter a sound, finally giving up the struggle amid the roar of a prodigious tempest.[3] His submission to the king's grace must be taken as, technically at least, an admission

[1] Sayles, *op. cit.*, iii. lxiv. ; Winfield, *History of conspiracy and abuse of legal procedure*, pp. 67–70.

[2] Until 1 Edward III, st. 2, c. 11 ; unsuccessful appellants could be fined and imprisoned under the statute of Westminster II, c. 12.

[3] *Croniques de London* (Camden Society), p. 87.

of the correctness of the procedure, although it need not imply an admission of the charges against him. His case therefore constitutes an important illustration of the right of the crown to put a subject upon trial when (*a*) named persons present bills against him, or when (*b*) there are bills from local communities which can be construed as showing 'the clamour of the people' against notorious misconduct.

Within three months of Willoughby's trial somewhat similar proceedings took place in parliament itself. Archbishop Stratford asked the king to allow him to be arraigned and to answer in parliament, since he was 'notoriously defamed throughout the realm and beyond'.[1] To this the king agreed. The roll does not disclose the form which this defamation took, but from Stratford's well-informed biographer we learn that John d'Arcy, chamberlain of the household, and William Killesby, keeper of the privy seal, drew up many articles against Stratford, and exhibited them first to the City fathers, and then (30 April) to the commons of England.[2] A commission was appointed to take his answers,[3] and the affair dragged on for two years.[4] Its interest for this study is the fact that Stratford admitted the propriety of his arraignment in parliament on the basis of 'articles' which 'notoriously defamed' him. The procedure of Willoughby's case was therefore possible also in parliament, and the bills proffered by local communities against Willoughby were now represented by the articles introduced into the commons by Archbishop Stratford's two bitterest enemies. There is nothing to show, however,

[1] *Rot. Parl.*, ii. 127, no. 8.

[2] Pseudo-Birchington, in Wharton, *Anglia Sacra*, i. 40 (on the authorship of these lives of the archbishops, see Tait, *Chronica Jahannis de Reading et Anonymi Cantuariensis*, pp. 63 ff.).

[3] *Rot. Parl.*, ii. 131, no. 44, where the proceedings are treated as at the suit of the king.

[4] The documents in the affair were committed to Killesby (*ibid.*, p. 132, no. 49). How far the proceedings went does not appear, but in 1343 the documents were called into parliament to be quashed; *ibid.*, 139, no. 22.

that the commons took any formal action upon the articles. We cannot say that Stratford was impeached, but we can say that the procedure used against him shows a tendency in that direction. In view of this trend, a slight additional significance may attach to the case of Wesenham and Cheryton in 1348, already mentioned [1]; they too asked to be heard in their defence against aspersions made among the commons—and indeed embodied in petitions adopted by the commons. Unfortunately, there is no evidence of what further proceedings took place. The cases already mentioned of atte Lee [2] (1368) and Windsor [3] (1376) complete the tale of material down to the momentous proceedings of the Good Parliament.

And so we come to the critical year 1376. The parliament roll is long and full, and some other aspects of parliament's work are vividly described in the Anominalle Chronicle of York. From that narrative it is clear that the commons took a whole month feeling their way towards the impeachment of Lord Latimer and Richard Lyons. Collecting the information was a long and possibly delicate process and resulted in the discovery of a succession of scandals. Several times the commons came into parliament and announced the interim results of their investigation. On 12 May 1376 the commons in parliament denounced Latimer and Lyons and asked to have the evidence of Sir Richard Scrope.[4] A week later, on 19 May, that evidence was given in parliament and the commons loudly demanded the arrest of Lyons 'until the king and the council of parliament have declared their will concerning him.[5] On the 24th the commons again came into parliament and demanded a clean sweep of the council, and got it, Latimer being one of these displaced. Finally, early in

[1] Above, p. 52.

[2] Above, p. 53; cf. the complaint against John Molyns in the great council of 1353; *Rot. Parl.*, ii. 253, no. 40.

[3] Above, p. 54.

[4] *Anominalle chronicle* (ed. V. H. Galbraith), pp. 85–8.

[5] *Ibid.*, pp. 89–90.

June,[1] Latimer and Lyons were put formally upon their trial.

The chronicle tells little of this culminating scene, and so it is to the roll that we must look, more especially if we would find the official view of the nature of the proceedings. That view is clearly stated in the heading of the record: 'William, lord Latimer was impeached and accused by the clamour of the commons.'[2] The schedule of charges concluded by alleging that 'these things he did notoriously accroaching royal power'.[3] Like Willoughby a generation earlier, Latimer objected that there was no specific accuser for him to answer. This plea, like Willoughby's, was fruitless. Just as the ex-judge was made to answer 'the clamour of the people' as embodied in the charges made by the unspecified commons of this or that county, so Latimer was made to answer charges 'which the commons intend to maintain in common'.[4] Richard Lyons, Latimer's partner in distress, was likewise 'impeached and accused by the commons' in respect of several transactions and of 'notoriously taking upon himself royal power in the said matters'.[5] So too Adam Bury was 'impeached by the clamour of the commons . . . as appears more at large in a great bill delivered in parliament on the last day of the parliament at Eltham'.[6] That this principle was not confined to parliament is clear from the proceedings against William of Wykeham. It was alleged that 'the king had certainly heard by many notorious evidences and by the common clamour of his people' of the prelate's misdeeds. Articles in writing were drawn up, and Wykeham was thereupon impeached before a great council.[7]

The judicial proceedings of the Good Parliament were

[1] This is the approximate date implied by the chronicler; the roll contains very few dates, although it does suggest (*Rot. Parl.*, ii. 327, no. 30) that the trial of Latimer began on 26 May. For a discussion of these difficult chronological puzzles see Wilkinson, *op. cit.*, 95–6.

[2] *Rot. Parl.*, ii. 324, no. 20.

[3] *Ibid.*, p. 325, no. 25.

[4] *Ibid.*, p. 325, no. 26.

[5] *Ibid.*, p. 323, no. 17.

[6] *Ibid.*, p. 330, no. 47.

[7] *Anominalle chronicle*, pp. 96, 98; Rymer, *Foedera*, vii. 163, 168.

many and various. The proud words of Fleta that in parliament 'judicial doubts are determined, new remedies devised for novel wrongs, and justice done to every man according to his deserts' might well seem literally true of this prodigious assembly. Some of its exuberances were indeed checked almost immediately; others bore evil fruit in the Merciless Parliament ten years later; but the general principle of impeachment remained. The fear of it sobered the night thoughts of Somers and Walpole and many another in the eighteenth century. The deeds of the Good Parliament wherein the first steps were taken deserve the minutest study. This paper, however, is concerned less with the forging of the weapon, than with the raw material out of which it was to be fashioned. Its thesis is that impeachment was not derived from the idea of indictment, nor from any attempt to transform petitions into indictments. Instead of that venerable but untenable tradition an alternative explanation seems to lie in the history of certain criminal procedures. As we have seen, the king's record of notorious facts was once followed by instant conviction. The lords in parliament held that notorious facts were sufficient to condemn Mortimer in 1330. By 1341 these drastic survivals were being pruned of some of their terrors; in that year Justice Willoughby's case shows that the king no longer demands immediate conviction upon notorious facts, but he does demand that they are sufficient to put him upon his trial. Still more significantly, the notoriety of the facts in this case consisted in the clamour of the people expressed in bills proffered by the commons of various counties. It was a short step to transfer their procedure to the larger stage of parliament. The essentials are plainly to be seen in some of the most famous of the Good Parliament's trials, wherein the defendants were made to answer impeachment for their misconduct because the facts were 'notorious', as was attested by 'the clamour of the people'. It is in that line of development, it seems, that we must trace the origins of impeachment.

THE *REGIMEN SCACCARII* IN ENGLISH MONASTERIES

The Alexander Prize Essay

By R. A. L. Smith, M.A., Ph.D., F.R.Hist.S.

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The twelfth century was a period of rapid growth in English monastic administration. It saw the establishment of an obedientiary system and of a special organisation for exploiting the estates in all but the smallest of religious houses.[1] At the same time, however, as the monasteries solved the main problems of household expenditure and estate management by entrusting administrative responsibility to the senior members of the chapter, they created a problem of equal magnitude: that of the common control of their revenues. How far, it may be asked, did the English monasteries succeed in meeting this difficulty and in combining the joint control and individual expenditure of their monetary income in one organic system? The present essay has been written as an attempt to supply an answer to this question.

It is possible to show that in the period *c.* 1160–1206 a small number of monasteries subjected their finances to a measure of common control. The methods chosen were familiar alike to the papal camera and the English royal exchequer. Only two cases are known in which a central treasury and a central auditing body were established simultaneously in a monastery during these years. Thus, in the English monasteries as in the royal administration, the

[1] Dom. D. Knowles, *The monastic order in England, 943–1216* (1940), pp. 427–47.

treasury and the committee of audit originated as two distinct solutions offered to the one problem of common control. No less than a century of history divides the first attempts to control monastic finances by what were, more often than not, the alternative methods of central receipt or central audit from the general establishment of both in intimate relationship in most of the greater religious houses. It will be recalled that a similar period of time probably elapsed between the first establishment of the royal treasury and its definitive association with exchequer procedure.[1]

The somewhat meagre evidence for this early period may be briefly recited. The initiative of individual houses, reforming bishops, and papal legates was responsible for the first efforts at common financial control. At Christ Church, Canterbury, in 1179, the papal sanction was given to a system of receipt which had already obtained there for at least ten years.[2] Treasurers, appointed by the monks, received all the revenues but could make no disbursements without the consent of the convent, or the *major et sanior pars*.[3] Similarly, at Ramsey in 1202 Hubert Walter, archbishop and papal legate, appointed three monks to act as receivers of all the revenues of the abbey.[4]

The first regular system of centralised audit[5] to be established in an English monastery was probably that which Henry of Blois instituted at Winchester Cathedral Priory sometime between 1153 and 1171. This remarkable man, who had already shown his financial prowess in

[1] Here, of course, the still disputed question of origins makes it impossible to draw any very close analogy.

[2] The Canterbury rental (in D. and C. Lib. Cant., MS. R. 31), which can be assigned to the years 1163–7, makes mention of a *dispensator* and *thesaurarius*.

[3] *Papsturkunden in England*, ed. W. Holtzmann (1935), ii. 372. The number of treasurers is not stated.

[4] *Chron. abbatiae Rames.*, ed. W. D. Macray (R. S., 1886), p. 342.

[5] Exception may be made of the weekly audit which abbot Samson conducted in person at Bury St. Edmund's (*Chronica Jocelini de Brakelonda*, ed. J. G. Rokewode, Camden Soc., 1840, p. 31) and the *scackarium consuetudinale* to which the woodmen were subject at St. Albans in the twelfth century (*Gesta abbatum*, ed. H. T. Riley (R.S., 1867), i. 216).

administering the abbey of Glastonbury and the bishopric of Winchester,[1] in 1149 rescued the abbey of Cluny from desperate financial straits at the special behest of Peter the Venerable.[2] It is not to be wondered that, with the memory of these triumphs fresh in his mind, Henry of Blois should legislate for his own cathedral priory in terms of the Customs of Cluny and the Statutes of Peter the Venerable.[3] He established an auditing committee of twelve senior monks at Winchester to examine yearly the accounts of all the obedientiaries and to reserve the surplus revenue for the needs of the community.[4] Thus the temporal administration of the priory fell into the hands of a financial oligarchy on the Cluniac model. About half a century later, in 1206, the papal legate John of Ferentino sanctioned a programme of reform for Evesham Abbey which, while omitting any fully centralised system of receipt, included regulations for a frequent audit of accounts. All the obedientiaries were instructed to present quarterly accounts before the abbot, or his representative, the prior, and six cloister-monks, three of whom were to be appointed by the abbot and three by the convent.[5]

The first religious house in which a central treasury of receipt and an auditing committee are known to have co-existed is that of Holy Cross, Waltham. This house, which had been established by Harold as a minster of secular canons on the eve of the Conquest, was refounded

[1] L. Voss, *Heinrich von Blois* (1932), pp. 70–7 and *passim*.

[2] The documents relating to the work of Henry of Blois at Cluny are printed in *Recueil des chartes de Cluny*, ed. A. Bernard et A. Bruel (1894), v. 488–505; cf. Voss, *op. cit.*, pp. 114–19.

[3] Note, especially, the statute of Peter the Venerable which provides that 'ubicumque facultas loci permiserit, exceptis decanis, xii fratres constituantur addito tertio priore, plerumque ordinem teneant'. Migne, *P.L.*, clxxxix. 1037.

[4] The decree is entered in *Reg. J. de Pontissara*, ed. Canon Deedes (Canterbury and York Soc., 1913–24), ii. 523, and in *Winchester Cathedral chartulary*, ed. Canon A. W. Goodman (1927), p. 5.

[5] *Chron. abbatiae de Evesham*, ed. W. D. Macray (R.S., 1863), p. 206. The cellarer was entrusted with the administration of all the unassigned revenues of the house, *ibid.*, p. 207.

by Henry II as a monastery for regular canons in 1177.[1] It is possible that the institution of treasurers and auditors dates from this year, for we know that the king made it his concern to appoint obedientiaries in his new foundation.[2] Be that as it may, it is certain that by 1191 the common control of revenue and expenditure had been fully achieved at Waltham, for the pope confirmed the system whereby all the money receipts passed through the hands of two or three treasurers elected by the convent and all the expenses were accounted for by the obedientiaries at quarterly intervals before a committee composed of the abbot, the prior, the sub-prior, and three of the canons.[3] The papal legate John of Ferentino introduced a similar arrangement at St. Mary's, York, in 1206, for here also the centralised systems of receipt and audit were established simultaneously as organic parts of one institution.[4] At York, however, the exchequer system, if ever properly constituted, seems to have soon been abandoned, for there is no trace of it in the later part of the century.[5]

The decrees of John of Ferentino are nevertheless of considerable importance in the history of English monastic administration, for they inaugurate a series of attempts on the part of the Holy See to place the financial organisation of religious houses on a centralised basis. Innocent III succeeded in doing this in a large number of monasteries on the continent [6] and it was the papal nominee, Stephen

[1] See the history of the abbey by R. C. Fowler in *V.C.H. Essex* (1907), ii. 166–72.

[2] '. . . rex constituit de eisdem canonicis unum priorem, et alium celerarium, et tertium suppriorem, et quartum sacristam; et alios ministros ejusdem domus prout ordo eorum poscebat'. *Chron. Benedicti Abbatis*, ed. W. Stubbs (R.S., 1867), i. 174.

[3] *Papst. in England*, i. 583–4.

[4] The decree of the legate has been printed by C. R. Cheney in *Eng. Hist. Rev.*, xlvi. (1931), 449–52.

[5] Mr. Cheney shows that 'the chronicler (*sc.* of St. Mary's, York), who occasionally mentions monks as having been *bursarii*, records the fact that on 20 November 1301 two treasurers were appointed "per quosdam"; "set illa ordinacio parum profuit".' *E.H.R. loc. cit.*, pp. 448–9.

[6] See Dom. U. Berlière, 'Innocent III et la réorganisation des monastères bénédictins', *Revue bénédictine*, xxxii (1920), 22–42, 146–59.

Langton, who presided in 1222 over the Council of Oxford, which enjoined all heads of houses and obedientiaries to present bi-annual or quarterly accounts before a committee of monks selected by the rest of the convent. The papal visitors laid strong insistence on these auditing committees in their legislation for the abbeys of Westminster and Bury St. Edmunds in 1234,[1] and a year later Gregory IX lent his full authority to the system prescribed by his legates for English houses. In his statutes and ordinances of 1235–7 for Black Monks he imposed upon heads of houses the duty of rendering twice yearly a *status domus* in the chapter or before the senior members of a monastery, and upon obedientiaries the responsibility of submitting a quarterly account for the audit of the abbot and the senior monks.[2] It will be observed that neither Gregory IX nor his legates made any attempt to establish central treasuries in this country. Central receipt and central audit still remained, for the most part, distinct and unrelated methods of common control, and even Eudes Rigaud in his many financial injunctions to monasteries in the arch-diocese and province of Rouen laid almost exclusive stress on the necessity for a regular audit of accounts by the senior members of the chapter.[3]

The constitutions which the legate Ottobono promulgated at the Council of London in 1268,[4] the decrees of Benedictine general chapters,[5] and the history of individual houses, make it abundantly clear that the statutes of Gregory IX were at first largely inoperative in English monasteries. The dead weight of custom and long-established precedent

[1] Rose Graham, ' A papal visitation of Bury St. Edmunds and Westminster in 1234 ', *Eng. Hist. Rev.*, xxvii (1912), 728–39. The legate Otto extended these provisions to all houses of Black Monks in 1238. Matthew Paris, *Chron. majora*, ed. H. R. Luard (R.S., 1876), iii. 501.

[2] *Les registres de Grégoire IX*, ed. L. Auvray (1907), ii. 325–6. The statutes were confirmed by Innocent IV in 1253.

[3] *Regestrum visitationum archiepiscopi rothomagensis, 1248–69*, ed. T. Bonnin (1852), pp. 44, 56, 57, 71, 203, and *passim*.

[4] D. Wilkins, *Concilia*, ii. 17.

[5] *Chapters*, ed. W. A. Pantin (Camden 3rd series, xlv, 1931), i. 36, 84–5.

must have militated against their introduction. Nevertheless, there were at least two houses, Christ Church, Canterbury, and St. Swithun's, Winchester—both cathedral monasteries—which not only anticipated the statutes of Gregory IX by many years in their establishment of central auditing systems but also exhibited the effective working of central treasuries. Indeed, they provided a model of exchequer organisation for monastic legislators, and there can be little doubt that the example of Christ Church, if not of Winchester, deeply influenced Archbishop Pecham and helped to mould his reforming programme.

The significance of Pecham's financial injunctions has, unfortunately, been little understood by modern writers.[1] In instituting central treasuries or bursaries in at least thirteen religious houses during the period of three years stretching from 13 September 1281, to 22 September 1284, the archbishop was making no startling innovations. Nor were his auditing committees anything but familiar to contemporary monastic reformers. What was new and important in Pecham's policy was his invariable insistence on the combination of treasurers and auditing committees in all the houses for which he legislated. Pecham may, indeed, be fairly called the creator of monastic exchequer organisation in this country, and it can hardly be a coincidence that the word *scaccarium* comes into general use in English monastic records at this period.[2] Once the basic principles of exchequer organisation had been laid down by Pecham, they were readily applied to religious houses by

[1] Thus Mr. R. H. Snape dwells on one aspect of Pecham's policy of financial centralisation—the institution of treasuries—while entirely neglecting the other, and equally important, feature—the establishment of auditing committees. *English monastic finances* (1926), p. 40. He does, however, give a useful list of the houses to which Pecham addressed his financial injunctions.

[2] Pecham himself described the financial organisation which he instituted at Glastonbury Abbey in 1281 as a *regimen scaccarii* (*Reg. epist. J.P.*, ed. C. T. Martin, R.S., 1882, i. 264), and the word *scaccarium* became the general designation for an exchequer and its procedure in the custumals, court-rolls and account-rolls of such abbeys as Peterborough, St. Albans, and St. Augustine's, Canterbury.

the English bishops. William Greenfield,[1] archbishop of York, and Henry Woodlock,[2] bishop of Winchester, seem to have been particularly sedulous in enjoining the monasteries and nunneries in their dioceses to adopt the centralised methods of receipt and audit.

It may pertinently be enquired how far these financial injunctions were translated into practice by the houses which received them. Although no exhaustive survey of the evidence has been made, it can nevertheless be shown that more than one monastery failed to observe the regulations for any length of time. Thus the monks of Bardney Abbey received elaborate injunctions from Pecham as to their exchequer organisation on 22 September 1284,[3] yet in 1310 the finances of the house were in confusion through the maladministration of the abbot and showed no signs of central control.[4] At Rochester Cathedral Priory a similar sequence of events is to be observed.[5] At neither of these houses does a central treasury on exchequer lines appear ever to have been established. It does, however, remain true that in a considerable number of houses some sort of exchequer organisation was established as an integral part of household administration. A study of the financial systems of four of the larger Benedictine houses, namely, Glastonbury Abbey, and the cathedral monasteries of Ely, Winchester and Christ Church, Canterbury, will, it is hoped, serve to reveal the main characteristics of monastic exchequer organisation in this country in the later Middle Ages.

[1] *Reg. Wm. Greenfield, 1306–15*, ed. A. H. Thompson (Surtees Soc., 1931–), ii. 205, 227; iii. 82–3, 115, 117, 137, 225–6 and *passim*.

[2] *Reg. Henry Woodlock, 1305–16*, ed. Canon A. W. Goodman (Canterbury and York Soc., 1934–), pp. 511, 514, 526, 527–8, 535, 753. In one at least of these houses, Chertsey, a central treasury already existed.

[3] *Reg. epist. J.P.*, iii. 823–4.

[4] A. Hamilton Thompson, *Bardney Abbey* (privately printed), ii. 15. An episcopal visitation of the abbey in 1379 showed that the injunctions of Pecham were still unobserved; *ibid.*, ii. 24.

[5] The case of Rochester is considered in detail in a forthcoming article in *Eng. Hist. Rev.*

Little can be learnt from the printed chronicles of the financial system at Glastonbury before 1281, but in that year Pecham made provision for an elaborate *regimen scaccarii* in the abbey. All the revenues of the house were to be collected under the direction of the external cellarer (*celerarius forensis*), assisted by the steward and the keepers of the manors. They were to be straightway borne to the treasury (*scaccarium*), where three obedientiaries, the subcellarer, the garnerer, and a representative of the abbot, who were styled *depositarii*, assisted by a clerk of the exchequer (*clericus scaccarii*), were to act as receivers. The receipt and custody at the treasury of those corn supplies which were not sent directly to the bakery, brewery, or stables, was the special concern of the garnerer and subcellarer and the subject of fortnightly accounts. Thrice a year the internal cellarer (*major celerarius*) was to render an account of the expenditure of the house in the presence of the abbot before an auditing committee consisting of the three *depositarii* and six or seven of the senior monks.[1] We know that these injunctions were substantially observed, for there have survived a long series of pipe rolls which bear decisive witness to the practice of central receipt and central audit at Glastonbury throughout the fourteenth century.[2] Indeed, the surviving account-roll evidence [3] leads one to suppose that the exchequer organisation remained in full force at this abbey until the Dissolution.

The financial system of Ely Cathedral Priory differed in detail from that of Glastonbury. Some time between 1241 and 1254 the Ely chapter placed two monks in charge of the financial administration of the priory, ordering them

[1] *Reg. epist. J.P.*, i. 262–4.

[2] These rolls are now at Longleat, the seat of the Marquis of Bath. They are in many ways comparable to the pipe rolls of Peterborough Abbey in D. and C. Lib., Peterborough.

[3] See C. T. Flower, ' Obedientiars' accounts of Glastonbury and other religious houses ', *Trans. St. Paul's Ecclesiological Soc.*, vii (1912), 50–62. Evidence is here adduced (p. 54) of the internal cellarer rendering his summary account of all the monastic departments on the eve of the Dissolution.

to render an annual account before the prior and convent of all their receipts and expenses.[1] Evidently this arrangement proved to be unsatisfactory, for in 1261 Bishop Hugh of Balsham ordered the two monks entrusted with financial responsibility to deliver all the money which they had received to treasurers appointed by the convent. These treasurers were strictly to control the expenditure not only of the prior but of all monks entrusted with departmental duties.[2] It was not, however, until the opening years of the fourteenth century that attempts were made to create a full exchequer organisation at Ely. This was partially achieved in 1300 when Bishop Ralph Walpole ordered all the obedientiaries to present bi-annual accounts before an auditing committee consisting of six or seven of the senior and more discreet monks,[3] and four years later the prior and chapter completed the centralisation of their finances by imposing a like obligation upon the manorial officials. By this second decree the membership of the auditing committee was limited to three monks, who were granted the exclusive authority of making allowances or disallowances to accountants.[4]

The surviving accounts of the Ely obedientiaries [5] show us how far the ordinances of bishop and chapter were realised in practice. It may be said at once that no fully centralised system of receipt was, to our knowledge, ever established at Ely. Although the treasurers received about half of the revenues of the priory,[6] a number of obedientiaries clung tenaciously to their separate incomes, which tended

[1] *Ely chapter ordinances and visitation records, 1241–1515*, ed. S. J. A. Evans (Camden Miscellany, xvii. 1940), p. 1. The ordinance makes known the existence of treasurers at Ely at this date. Their functions appear to have been limited to the transference of income from the prior to the obedientiaries; *ibid.*, pp. 1–2.

[2] *Ely ordinances*, p. 4. [3] *ibid*, p. 21.

[4] *ibid.*, p. 28. In 1307 Bishop Robert of Oxford instructed the prior and sub-prior to be present with the three monks at the audit (*ibid.*, p. 30), while in 1314 the prior and chapter confined the membership of the committee to the prior and three monks; *ibid.*, p. 38.

[5] In D. and C. Muniment Room, Ely.

[6] 21 treasurers' accounts are extant for the period 1324–1529.

to increase, rather than diminish, as the Middle Ages advanced. The sacrist in particular, retained a large private income, while the almoner, cellarer, and steward of the prior's household, not to mention other officials, were all able to draw upon various sources of private revenue.[1]

Further complexity was introduced into the finances by the retention of those special payments called *la apay* and *graciae* which were granted annually to the obedientiaries and cloister-monks by the treasurers, prior, and sub-prior, and were, in effect, charges upon the surplus revenues of the house.[2] In spite, however, of the limitations which custom and precedent imposed upon the effective working of exchequer methods, much evidence exists to show that the monk-auditors of Ely performed their work in the fourteenth century with exemplary diligence. The centralisation of financial administration ushered in a period of great temporal prosperity which reached its height during the priorates of John of Crauden (1321–41) and Alan of Walsingham (1341–64).[3]

In the fifteenth century a number of important alterations took place in the financial system of Ely. The visitation of Archbishop Thomas Arundel in 1401 showed that all was not well in the priory, as the primate was obliged to order the stricter observance of the practice of central receipt and audit.[4] Shortly after this the monks appear to have created a small reserve fund, for in 1420 the sub-prior is found accounting to the auditors as 'Keeper of the common treasury' (*custos communis thesaurariae*).[5] The treasurers

[1] The average of the obedientiaries' incomes for the fourteenth and fifteenth centuries has been calculated by S. J. A. Evans in *Ely ordinances*, p. xii.

[2] See *ibid*, pp. 9, 31, 34, 38.

[3] In spite of their vast outlays in building expenses these two priors managed to keep their house free from all serious indebtedness. See *Sacrist rolls of Ely*, ed. F. R. Chapman (1907), ii. *passim*, and *Anglia sacra*, ed. H. Wharton (1691), i. 644–62.

[4] *Ely ordinances*, pp. 52–3.

[5] The first account of the sub-prior acting in this capacity covers the years 1416–20, and there are several other of his accounts extant for the fifteenth century.

still accounted separately on occasion, but there was a strong tendency for their accounts to be amalgamated with those of the steward of the lands (*senescallus terrarum*),[1] while professional auditors superseded the monks at the Michaelmas session.[2] The bailiffs and reeves no longer made the annual visit to Ely but had their accounts audited on the manors. So in the last century and a half of monastic life at Ely the exchequer organisation, which had never been fully centralised, only survived in a very attenuated form.

Attention may now be directed to the financial organisation of Winchester Cathedral Priory. Here the central treasury absorbed only the unassigned revenues of the house and was placed in charge of a receiver (*receptor scaccarii* [3]), who was assisted by two or more *depositarii*. One of these *depositarii* had the title of *custos espernii*, in virtue of his position as collector and guardian of the surplus revenues from the different departments.[4] In the household economy of the priory this central treasury, which was in existence at least as early as 1248,[5] played the part of a reserve fund. This institution was altogether more comprehensive than the central fund created at Ely in the fifteenth century, for from it all disbursements of an extraordinary nature were made, such as payments to counsellors [6] and the costs of lawsuits. The importance of a central reserve of this character in times of economic crisis will readily be appreci-

[1] The three last surviving accounts of the treasurers, audited in 1474, 1476, and 1525, were rendered jointly with the steward of the lands.

[2] Payments to lay auditors occur constantly in the fifteenth century accounts. *Cf. Ely ordinances*, p. xvi, note 2.

[3] See the accounts of the receiver for the years 1334–5 and 1337 printed in *Obedientiary rolls of St. Swithun's, Winchester*, ed. G. W. Kitchin (Hants Rec. Soc., 1892), pp. 224–53.

[4] See the observations on the espernium made by Canon A. W. Goodman in *Winchester Cath. chart.*, p. 1.

[5] The pipe roll of this year (in D. and C. Lib., Winchester) reveals payments made to the treasury by the manorial serjeants and reeves. *Cf. Crondal records*, ed. F. J. Baigent (Hants Rec. Soc., 1891), p. 51.

[6] The appointments of counsellors with regular pensions payable at the treasury are recorded in the Register of the Common Seal, 1345–1496, fos. 24, 33v, 37, 46, 51, 51v (D. and C. Lib., Winchester).

ated, and we know that on at least one occasion the prior of Winchester saved his house from financial collapse by associating the administration of the treasury with that of several household departments.[1]

An auditing committee of twelve senior monks was, as we have seen, established at Winchester as early as the third quarter of the twelfth century. In 1315 Henry Woodlock referred to this auditing body as 'the prior or sub-prior and the senior monks specially selected by the prior and convent in accordance with the hitherto approved custom of the house'.[2] The conventual obedientiaries presented their separate accounts at the Michaelmas audit while the serjeants and reeves of the manors and the receiver of the treasury had their individual accounts digested into one single pipe roll, known as *Pipa Prioratus Wyntonie*,[3] for the inspection of the auditors. In external appearance these pipe-rolls resembled the corresponding rolls of the royal exchequer far more closely than those of the bishopric of Winchester. Not only was the distinction between 'settled' and 'casual' disbursements common to both the royal and monastic rolls but also, in contradistinction to the pipe-rolls of the bishopric, two or more membranes were often sewn together to form one folio, and the names of the manors were recorded on the *dorso* of the membranes.[4] If the monks of Winchester, then, consciously followed any one model of exchequer procedure, they are more likely to have been influenced by the central administration of the kingdom than by the neighbouring administration at Wolvesey Castle.[5]

[1] Kitchin, *Obedientiary rolls*, pp. 62–3. *cf. Winchester Cath. chart.*, pp. 81–4.

[2] *Reg. Woodlock*, p. 750.

[3] Eighteen pipe-rolls are extant (D. and C. Lib., Winchester) for the period covered by the years 1248–1326. The title of the roll is written at the foot of the *dorso* of the last membrane.

[4] The 1248 roll, however, consists of single membranes sewn together at the top.

[5] For an account of the episcopal exchequer, see Eleanor Swift, *The machinery of manorial administration* (an unprinted London M.A. thesis, 1930), pp. 26–57.

A mass of evidence has survived to show that the senior Winchester monks normally fulfilled their auditing functions with scrupulous care. The account of each official was closely scrutinised and allowances were made to him at the discretion of the committee.[1] The balance of the account was immediately conveyed to the treasury by the *custos espernii*, and became part of the reserve fund. With little alteration [2] this system remained in force at Winchester until the Dissolution.

The exchequer organisation of Christ Church, Canterbury, must be considered at greater length, for it is the most comprehensive piece of administrative machinery that has yet been discovered in any English monastery. A full account of the evolution of the central treasury will be found elsewhere.[3] It will suffice to say here that at Canterbury a central receiving office, placed in charge of two or three treasurers and after 1391 administered by the prior in person, was in full working order from the second half of the twelfth century until the Dissolution. Into this office came not only the unassigned income of the priory but also the greater part of those special revenues which had been allocated to obedientiaries. Thus a firm control of household expenditure could be maintained by the permanent staff at the treasury. At the same time, however, as the Canterbury monks organised this system of centralised receipt, they perfected a method of audit which has much in common with that of the royal exchequer.

A summary description of this late twelfth-century development is to be found in the statement of the prior of Christ Church in 1332 that ' from old time it has always been the custom that our serjeants from all parts of England should come to Canterbury to our exchequer (*a nostre*

[1] These allowances were recorded at the foot of each account. See the record of allowances made by the auditors in 1378 to the serjeant of Silkstead, cited by J. S. Drew, *Compton near Winchester* (1939), p. 53.

[2] In the fifteenth century the accounts of most of the Wiltshire manors of the priory were audited on the spot by professional auditors.

[3] *Eng. Hist. Rev.*, lv (1940), 353–69.

Eschekier), there to hand in their accounts, and this in the presence of certain of our brethren '.[1] The word *scaccarium* is used in the early treasurers' accounts to denote both the audit-chamber and the audit itself,[2] which doubtless proceeded by means of counters on a chequered table.[3] At this annual audit, which took place at Michaelmas and in the weeks following, a general account was drawn up by the senior monk-auditors and called the *Assisa Scaccarii*. It consisted of a condensed statement of the accounts of both the obedientiaries and the serjeants of all the manors together with an estimate of the value of the produce of the priory in terms of money.[4] The senior monks thus had before them a complete review of the finances of the priory which enabled them, in conjunction with the treasurers, to check and control departmental expenditure.[5]

The similarity in procedure between the work performed by the senior monks at the exchequer of Christ Church in the thirteenth century and that of the *barones* at the royal exchequer in the earliest stage of its evolution will readily be recognised. The monks who constituted the auditing committee and on more than one occasion were styled *barones* [6]

[1] *Literae cantuarienses*, ed. J. B. Sheppard (R.S., 1887), i. 481–3.

[2] Thus, in their 1204–5 account the treasurers announced in respect of a debt owing to the cellarer ' et debuimus ei ad scaccarium ' (D. and C. Lib., Canterbury (hereafter abbreviated as Canterbury MS.) D. iv fo. 15v —and references to ' partes solucionis debitorum facte ante scaccarium ' are of common occurrence (e.g., in 1213. Cant. MS. F. ii fo. 54).

[3] On the meaning and use of the word *scaccarium*, see *Dialogus de scaccario*, ed. A. Hughes and others (1902), 60, and R. L. Poole, *The Exchequer in the twelfth century* (1912), 100–2. At the head of the 1313 *Assisa scaccarii* account of Christ Church (see *infra*) there is a representation of a chessboard.

[4] The documents which are extant cover the years 1225–1336 at irregular intervals (Cant. MS. M. 13. xix), and a continuous series of *Assisae* for the years 1252–62 is enrolled in Cant. MS. Reg. H. fos. 172–217.

[5] Normally, of course, the treasurers were members of the auditing committee.

[6] The eight senior monks who audited the account of the prior in 1456 were described at the head of the account as ' barones hoc anno '. Cant. MS. M. 13. xvii mem. 10. In 1432 a monk who received a small payment from the *firmarius* of Monkton at the audit was designated a baron. Cant. MS. Monkton account-roll, 1431–2.

met at a place distinct from the treasury.[1] The *archa*, which contained the revenue, was brought from the treasury to the exchequer at the time of the audit.[2] In the monastic as in the royal household the distinction between an exchequer of receipt and an exchequer of audit was well defined and preserved. The use of tallies, counters, and chessboards was common to both institutions.[3] The position of the prior was equivalent to that of the justiciar who had ' the oversight of all that is done either in the lower or upper Exchequer '.[4] At the end of the process of audit a great roll was drawn up, called in the royal household the *magnus rotulus pipae* and at Christ Church the *Assisa Scaccarii*, which consisted of a number of membranes sewn together and gave a complete account of the finances of the household. Here the resemblance ceases. The senior monks who met at the exchequer of Christ Church never possessed judicial powers comparable to those of the royal *barones scaccarii*. It should also be insisted that an analogy between the two institutions can only be maintained for a limited period, the first three-quarters of the thirteenth century. By the end of that century the senior monks who met at the exchequer of Christ Church were performing functions which had no parallel in the royal administration.

A turning-point in the business activity of the Canterbury exchequer came when Pecham ordained on 6 August 1282, that in future the appointment of obedientiaries should be discussed at the exchequer by the prior and at least six senior monks before the nominations were made in chapter.[5] The main burden of temporal administration was slowly being shifted from the chapter, where the whole body

[1] The treasury at Christ Church was situated between the north wall of St. Andrew's chapel and the south side-aisle wall of the infirmary hall at a short distance from the *scaccarium* or exchequer building in the eastern range of the infirmary cloister. See R. Willis, *Architectural history of monastery of Christ Church* (1869), pp. 74–82, 101–2.

[2] Cant. MS. D. iv *passim*.

[3] The distinction between revenue received by or without tally occurs in the earliest treasurers' accounts.

[4] R. L. Poole, *op. cit.*, p. 104.

[5] *Reg. epist. J.P.*, ii. 403–4.

of monks assembled, to the exchequer, the resort of the *senior et sanior pars*. In the priorate of Henry of Eastry (1285–1331) the evolution was completed. One of the first acts of the new prior was to commission the building of a new and impressive *camera ad scaccarium* above the old one in the eastern range of the infirmary cloisters.[1] He rapidly enlarged the powers of the senior monks who met here so that, by the end of the thirteenth century, it is possible to say that this select committee of chapter fulfilled four distinct functions. It audited accounts, nominated obedientiaries and other officials, decided certain questions touching upon the daily life of the monks, and issued ordinances on the economy of the priory. Its personnel remained of an indefinite character. In 1305 this body was defined as 'the prior and all the seniors and obedientiaries of the church',[2] while in 1323 'the prior, the sub-prior and the greater part of the chapter'[3] were said to have foregathered at the exchequer. Usually the committee was simply designated as the *seniores et saniores fratres* meeting *ad scaccarium* to determine some specific issue.

During Henry of Eastry's priorate the auditing work of the senior monks at the exchequer became of considerably less importance at the same time as their sphere of activity was enlarged in other directions. The serjeants of the manors no longer came to Canterbury at Michaelmas to have their accounts audited. This work was now performed by travelling monk-wardens[4] and, later, by professional

[1] R. Willis, *op. cit.*, p. 185.

[2] British Museum, Cott. MS. Galba E. iv fo. 73v.

[3] *Lit. cant.*, i. 104.

[4] This is abundantly evidenced by the serjeant's accounts (Cant. MSS.) of the individual manors. Thus in 1286 the serjeant of Meopham disbursed 8*s.* 11½*d.* 'in expensis dominorum Roberti Poucyn et G. de Chileham ultra compotum audiendum', and in 1302 the serjeant of Cliffe paid 9*s.* 6*d.* 'in expensis dominorum H. Motte et s. de Sancto Paulo in eundo ad audiendum compotos prepositorum Essexe de anno preterito et redeundo' and 13*s.* 'in expensis eorundem super compotum manerii de Clyve de anno preterito'. Reference is made in 1322 to the serjeant of Chartham rendering his account on the manor 'coram auditoribus dictorum prioris et conventus, ad audiendum compotos balliuorum et servientium suorum

auditors.[1] The obedientiaries alone continued to present their accounts for audit to the senior monks and the *Assisae Scaccarii* became simply treasurers' accounts which epitomised nearly all the conventual finances and included an estimate of the annual value of all produce. The length of the auditing period was thus greatly reduced and the senior monks were free to turn their attention to other matters.

The exercise of the privilege of nominating obedientiaries at the exchequer was the occasion of lively and protracted struggles between the senior monks of Christ Church and Archbishop Winchelsey in 1295 and 1299.[2] The details of the controversy do not concern us here, but it is important to notice how a quorum of senior monks, meeting separately at the exchequer, could long defy their archbishop and titular abbot on a fundamental point of conventual procedure. The senior monks also assumed the power of determining at the exchequer important questions affecting the domestic life of the priory. Thus in 1300 they decided to readmit Thomas Ringmer, their ex-prior, who had divided his time after his resignation in 1285 between the Cistercian abbey of Beaulieu and a hermitage.[3] The intricacy of monastic procedure at Christ Church at this time is revealed by the fact that Prior Eastry, having secured this unpalatable decision from the body of *seniores*, sought the advice of certain other members of the chapter, whose reverse opinion was more acceptable to him.[4] The outcome of these

deputatis' (*Lit. cant.*, i. 91). Notice, however, that the new prior compelled the serjeant of Walworth in 1332 to bring his account for audit to the exchequer and to answer for his debts; *ibid.*, i. 481–3.

[1] Two secular auditors were present on the Kentish estates of Christ Church in 1337. (*Lit. cant.*, ii. 168), and Dr. J. F. Nichols has shown (in an unpublished London Ph.D. thesis on the Essex custody of Christ Church, p. 145) how a professional auditor acted as bailiff-general of the manors in the last century or so before the Dissolution.

[2] The whole controversy is rehearsed at length in Cant. Reg. Q. fos. 25v–26v, 28v–29.

[3] *Reg. Winchelsey* (Canterbury and York Soc.), p. 373.

[4] *ibid.*, pp. 373, 378.

divided counsels was that Thomas Ringmer became a non-resident pensioner of the priory.

The control that the senior monks at the exchequer exercised over the economic policy of the priory is illustrated by a number of extant ordinances which cover the widest range of subjects in the greatest detail. These *ordinationes ad scaccarium* begin in 1288 with a statement of the annual food-farm due to be rendered from the Kentish manors and instructions as to how deficiencies in this system should be remedied.[1] In 1300, 1305 and 1309 the senior monks turned their attention to such questions as the sale of corn, the care of cattle and sheep and the marling of land.[2] The important question as to whether the priory should invest money by the purchase of new land was decided by the *seniores ad scaccarium* in 1323.[3] Nor did they neglect problems of household expenditure. In 1322 they issued an ordinance which determined the wages of all servants within the *curia* of the priory [4] and six years later they augmented the revenues of the almonry.[5] The fortunate survival of a day-book of Prior Oxenden (1331–8), in which many of the intimate affairs of the monastery were recorded, has made it possible for us to gain a very clear picture of the economic aspect of the work of the senior monks at the exchequer under Prior Eastry's successor. They issued ordinances on the annual income of the penitentiary,[6] the wages of monastic servants at Caldicote,[7] and the sum of money to be levied

[1] It is entitled 'Ordinacio facta ad scaccarium in die quatuor coronatorum de blado mittendo domi anno regni Edward xvi'. Cant. MS. R.E. 99.

[2] B.M. Cott. MS.Galba E. iv fos. 73v–74. The monks were almost certainly guided in their ordinances on agricultural practice by Walter of Henley's *Treatise on husbandry* and an anonymous treatise on the same subject, which were enrolled in several of the conventual registers. (*Walter of Henley's Husbandry*, ed. E. Lamond, 1890, pp. xxv, xl). In many details the language of the ordinances corresponds closely to that of these thirteenth-century manuals on estate-management.

[3] *Lit. Cant.*, i. 104.

[4] B.M. Cott. MS. Galba E. iv fo. 95v.

[5] Dugdale, *Monasticon* (1817 ed.), i. 104.

[6] Cant. MS. D.E. 3 fo. 44v.

[7] *Ibid.*, fo. 46v.

by a monk-warden from his group of estates.[1] They are found grappling with knotty problems connected with the purchase of land.[2] In a word, the senior monks who met at the exchequer were able, by the issue of ordinances, to exercise a decisive influence upon the life of the priory and to determine the general lines of its economy.

The *seniores ad scaccarium* appear to have been most active at Christ Church in the first third of the fourteenth century, that golden age of demesne farming in which the priory made such substantial additions to its lands and revenues. In 1360 archbishop Simon Islip attempted to bring about radical changes in the administration of the priory. In the first place he enjoined that the business affairs of the house should be discussed only in the presence of sixteen monks. The command was a fundamental threat to the system of capitular committee meetings at the exchequer and the prior was not slow to emphasise in his reply the fact that the size of the meetings had in the past depended upon the nature of the business under discussion.[3] Secondly, the archbishop ordered the wardens of the manors to present accounts each year at the exchequer. This again was an innovation and the prior fell back upon the ancient customs of his house in resisting the injunction. Lastly, the archbishop attempted to make certain changes in the appointment of obedientiaries which would have destroyed the system sanctioned by Pecham. The prior strongly stressed his own rights and those of his senior monks in his letter of reply.[4] Islip's main purpose seems to

[1] *Ibid.*, fo. 48. [2] *Ibid.*, fo. 44v.

[3] 'Item in ea parte minationum vestrarum qua cavetur, quod nullus tractatus circa negotia monasterii nostri habendus nisi in praesentia sexdecim confratrum nostrorum haberetur, nobis visum est jus et parvitatem nostram nimis per hoc fore restrictam, cum nostrae voluntatis existat, juxta naturam, qualitatem, et exigentiam hujusmodi negotiorum et tractatuum, aliquando plures, et aliquando numero minores seu pauciores, ad hujusmodi tractatum, prout nobis videbitur, convocare, tam de jure quam de consuetudine monasterii nostri supradicti' (*Lit. cant.*, ii. 397). I have been unable to consult Islip's register on account of the war.

[4] *Lit. cant.*, i. 396–7.

have been to prevent the senior monks transacting business other than that of audit at the exchequer by emphasising the necessity of capitular consent for all executive measures. His policy marks the reversal of that of Pecham, whose tendency it was to encourage the action of small groups within the framework of the chapter.

It was not to be expected that Archbishop Islip would readily succeed in destroying an institution which had taken such a firm root in the life of the priory. Indeed, some sixteen years later we find ten senior monks meeting at the exchequer and issuing important ordinances on the conduct of sick monks in the infirmary and the annual income of the chamberlain.[1] In the critical first two decades of the fifteenth century, when the central treasury of the priory had temporarily broken down, the senior monks are known to have played an active part in regulating financial affairs.[2] There is evidence that at an even later date, 1461, obedientiaries were still nominated at the exchequer.[3] It seems probable, however, that with the growth of the leasehold movement on the Christ Church estates and of the tendency towards separately endowed obediences in the household, the work of the senior monks at the exchequer was somewhat restricted in scope in the last century before the Dissolution. When the monks became *rentiers* the need for ordinances on estate management disappeared and centrifugal tendencies in the household can only have led to a diminution of the authority of the senior monks.

There is good reason to suppose that exchequer administration flourished most in English monasteries during that period of a hundred years or so which separated the episcopate of Pecham from the general establishment of the leasehold system on monastic estates at the end of the fourteenth century. Central control of revenue and expenditure was a feature common to royal, episcopal, monastic,

[1] *Lit. cant.*, iii. 4–6. [2] *Eng. Hist. Rev., loc. cit.*
[3] *Chronicle of John Stone*, ed. W. G. Searle (Camb. Antiq. Soc. Publ., 1902), p. 84.

and lay households, and the exchequer procedure of all four administrative systems differed in matters of detail rather than in general principles. The fifteenth century marked, on the whole, a great decline in monastic exchequer organisation. The difficulties involved in the transition from demesne farming to the leasehold system—a movement largely conditioned by changes in population and prices—no doubt served to upset the balance of monastic finance. If a few of the greater houses, such as Glastonbury and St. Swithun's, Winchester, managed to keep their centralised systems substantially intact until the Dissolution, in a large number of monasteries the exchequer organisation broke down completely. The episcopal visitations of the religious houses in the dioceses of Lincoln and Norwich afford conclusive evidence on this score.[1]

In place of the centralised system of the heyday of English monasticism, three distinct types of financial organisation came into being in the century and a half before the Suppression. In a number of houses—probably the large majority—each obedientiary became supreme in his own department and was only limited by the obligation of making certain payments to other household offices.[2] In other cases the heads of houses assumed control of the finances, exercising an unlimited power over the economic life of their monasteries.[3] Lastly, attempts were made at St. Albans,[4] Norwich [5] and elsewhere,[6] to set up a common chest with funds sufficient to meet all extraordinary expenses. In these houses the annual *status cistae* became the principal

[1] See the analysis of these visitations made by Dr. G. G. Coulton in *Five centuries of religion* (1936), iii. 456–7, with full references.

[2] *The accounts of the obedientiars of Abingdon Abbey*, ed. R. E. G. Kirk (Camden Soc., 1892), *passim*, afford a good example of this type of organisation.

[3] References will be found in the article on Rochester Priory cited above. *Cf. Visitations of the diocese of Norwich, 1492–1532*, ed. A. Jessopp (Camden Soc., 1888), pp. 96, 126–7, 161.

[4] *J. Amundesham annales*, ed. H. T. Riley (R.S., 1870), i. 276–7.

[5] Jessopp, *Visitations*, p. 79.

[6] e.g. at Ely. See above.

financial event of the year, superseding the joint render of accounts at the exchequer by the obedientiaries and bailiffs. It should, however, be remembered that throughout this period professional auditors itinerated the estates and examined the accounts of the leaseholders, bailiffs and rent-collectors.[1] All this is, in truth, a far cry from the old system of common control, and it is reasonable to conclude that much of the confusion of monastic finance in the century before the Suppression was caused by the widespread collapse of exchequer organisation.

[1] A. Savine, *English monasteries on the eve of the Dissolution* (1909), pp. 252–3.

THE ATTITUDE OF WHITGIFT AND BANCROFT TO THE SCOTTISH CHURCH

By Gordon Donaldson, M.A., Ph.D.

Read [1] *10 May 1941*

The friendship and understanding which had joined the reformed churches of England and Scotland in the early years of Elizabeth's reign were not menaced until shortly after Whitgift's accession to the see of Canterbury in 1583. The new primate had to deal with problems which had been quite unknown to his predecessors—problems arising from the success of the Scottish presbyterians and the efforts of their English imitators. The constitution of the Scottish reformed church, after developing in the direction of 'conformity with England', had not attained stability before being undermined by the emergence of intransigent presbyterianism. In 1581 the general assembly had approved the full presbyterian programme, and in August 1582 a *coup d'état*, the 'Ruthven raid', by the ultra-protestant party among the Scottish nobles had produced a government favourable to the first brief presbyterian experiment. In England also the struggle between presbyterianism and episcopacy had begun, and Whitgift himself had been the protagonist of the episcopalian cause. The English crown was immune from such *coups d'état* as made possible three changes in the constitution of the Scottish church within five years; but the English presbyterians had powerful friends among the radical politicians and diplomats. Already there were signs of co-operation between the ecclesiastical rebels in the two British kingdoms, and the

[1] In the author's absence.

incipient alliance soon had political repercussions, for the conduct of Anglo-Scottish relations was during several years in the hands of Francis Walsingham and William Davison, two diplomats who, as secretary and ambassador, consistently used their influence on behalf of the Scottish presbyterians, whom they alleged to be the only sincere supporters in Scotland of the cause of ' amity with England '.

King James of Scotland escaped from the ' Ruthven raiders ' at the end of June 1583. Whitgift was nominated to Canterbury in August, and the initiation by him of a policy of severe repression of presbyterianism in England coincided with the opportunity presented to Archbishop Adamson of St. Andrews by a new Scottish government—the ' anti-presbyterian dictatorship ' of Captain James Stewart, earl of Arran. The character of Archbishop Patrick Adamson suffered severely at the hands of his presbyterian opponents in his own day, and few attempts have been made in subsequent generations to ascertain the truth about him ; but even his enemies paid tribute to his ability, particularly in letters and oratory, and rated him as a highly dangerous, although treacherous and dishonest, adversary.[1] His portrait seems to show an intelligent, strong and capable nature which might have fitted a lawyer, or even a man of action, better than a cleric. A search for weapons against the presbyterians, who claimed a divine right for their system, led Adamson to assert the scriptural and apostolic origin of episcopacy ; and, from the moment of his appointment as archbishop (1576), he had made it clear that he would not be subordinate to the general assembly.[2] With these convictions there apparently went the idea—present in the minds of some other moderate men among his contemporaries—that episcopal government in the Scottish

[1] James Melville, *Autobiography and diary* (Wodrow Soc., 1842), pp. 53, 293 ; John Row, *History of the kirk of Scotland* (Wodrow Soc., 1842), p. 115 ; *Historie and life of king James the sext* (Bannatyne Club, 1825), p. 205 ; Brit. Mus., Cotton MSS., Calig. C. ix. fo. 161.

[2] Calderwood, *History of the kirk of Scotland* (Wodrow Soc., 1843), iii. 371–2 ; iv. 500.

church would contribute to Anglo-Scottish friendship and smooth the way for the Scottish king's accession to the English throne.[1] It was not only in government, but in worship also, that Adamson sought conformity with England. A commission given to him when he was at the height of his power referred to ' a uniform order in form of common prayer '. The phrase meant more than insistence on the use of the Knoxian *Book of common order*, for it is known that Adamson used ' the English ceremonies ' in celebrating a marriage, and that his enemies accused him of ' filthily adulterating the state of public prayer with the simplicity of rites in ministration of the sacraments '.[2]

On the initiative of Adamson, there was co-operation between the English and Scottish primates. The narrative of the Scottish archbishop's mission to England in the winter of 1583–4, described briefly by sixteenth- and seventeenth-century historians, can be reconstructed more fully from the original sources, including the correspondence which passed between the two archbishops.[3] Adamson had numerous motives for making a journey to England. There seems no reason to doubt that he wished to leave Scotland and visit the continent for the sake of his health. At any rate, the English ambassador in Edinburgh accepted this without question, King James's letter of credit and his licence to leave the kingdom are explicit about it, and even

[1] Cf. *Cal. S.P. Scot.*, ii. no. 439 ; vi. no. 705 ; viii. no. 56.

[2] Calderwood, *op. cit.*, iv. 145, 163 ; Wodrow Soc., *Miscellany* i (1844), p. 417.

[3] There are accounts of Adamson's mission in James Melville's *Diary* (p. 141), Calderwood's *History* (iii. 763 ; iv. 49, 55, 431–2), Calderwood's *Vindiciae contra calumnias Johannis Spotsuodi* (edn. 1623, p. 54) and Brit. Mus. Add. MSS. 32,092, fos. 42–5. The Whitgift-Adamson correspondence, which is used throughout this and the succeeding paragraphs, is as follows : (*a*) Adamson to Whitgift (copy, undated, but either late December 1583 or early January 1583/4), Brit. Mus., Add. MSS. 32,092, fo. 75*v* ; (*b*) Whitgift to Adamson (copy, dated 4 January 1583/4), *ibid.*, fo. 76*r* ; (*c*) Adamson to Whitgift (copy, undated, probably late April 1584), *ibid.*, fo. 76*v* ; (*d*) Adamson to Whitgift, 16 June 1584, Harl. MSS. 7004, fo. 3 (copy in Add. MSS., 32,092, fo. 79*v*), printed (except the endorsement) in Thomas McCrie, *Life of Andrew Melville*, appendix iv.

after the excuse, if excuse it had been, was no longer necessary, Adamson persisted in it.[1] It was alleged that he was glad to escape from impending excommunication by the general assembly; and it is possible that the Scottish government considered that the pursuit of its ecclesiastical policy through a critical stage would be easier in the absence of one against whom the full fury of the presbyterians was directed. There was, in any case, important diplomatic business which necessitated that Adamson should have audience of the queen of England, but it was realised from the first that the journey had significance for ecclesiastical affairs, and the rumour was current that the archbishop would go to Geneva and other places overseas to obtain from the continental reformed churches condemnation of the Scottish ministers and their opinions.[2]

The mission was arranged by 29 October 1583; but three weeks elapsed before Adamson left Scotland, travelling south on the *equi gradarii* ('ambling nags') suitable for a sick man. His arrival in London on 30 November was immediately noted by one of Walsingham's agents, who reported to his master that the archbishop 'keeps himself quiet as yet'.[3] Adamson proceeded with diplomatic work, but also communicated with Whitgift, sending him 'articles' which contained a statement of the views of the Scottish presbyterians—*propositiones ministrorum Scotiae serenissimo regi oblatae*—with a refutation of them, and asking for an interview.[4] Whitgift, although personally willing to accede to this request, decided not to act without reference to the government, and he therefore sent a copy of Adamson's 'articles' to Burghley, whose advice he asked.

[1] S.P. Scot. Eliz., xxxiii. nos. 71, 74, 94 (*Cal.*, vi. nos. 681, 684, 707); Registrum secreti sigilli (H.M. Gen. Reg. House, Edinburgh), xlix. fos. 175*v*–176.

[2] *Cal. S.P. Scot.*, vi. nos. 691, 696, 703, 706; *Border papers*, i. no. 188.

[3] *Ibid.*; *Cal. S.P. Scot.*, vi. no. 702; Registrum secreti sigilli, *loc. cit.*

[4] *Cal. S.P. Scot.*, vi. nos. 705, 706; Adamson's 'articles', of which there is a copy in Latin in Add. MSS. 32,092, fos. 73–5, are printed (in translation) in J. Melville's *Diary*, pp. 148–53, and Calderwood's *History*, iv. 50–5.

Perhaps acting on Burghley's recommendation, he sent his chaplain to Adamson to explain to him that the queen's permission must be obtained before the two archbishops could meet. Meanwhile, Adamson had learned, to his great distress, that a copy of the 'articles' had fallen into the hands of Walsingham, of whose enmity he was well aware, and he foresaw their use by the English secretary and his friends in Scotland to discredit the Scottish government and Adamson himself. Whitgift, when he wrote to Adamson on 4 January 1583/4, declared that the leakage was unaccountable, as he had retained the original of the 'articles', and Burghley, he believed, had retained the copy sent to him. The inference must be that a copy had been abstracted from Burghley's office by an agent of Walsingham. The English primate reiterated that Adamson must take the initiative in asking for the royal consent before Whitgift could hold any discussion with him, but promised to give him his opinion of the 'articles'. It was, of course, through Mr. Secretary Walsingham that Adamson had to apply for the queen's permission to live for a time at Oxford or Cambridge and to confer with Whitgift or any other learned men whom Elizabeth might think it fit that he should consult. The necessity for sending such an application was, he felt, hardly consistent with his dignity; but he wrote a courteous letter to the secretary and offered to make him a present of a 'Galloway nag'.[1]

Adamson succeeded in part of his mission. He visited Lambeth Palace and had a conversation with Whitgift, receiving a copy of one of the English primate's books against the presbyterian Cartwright and promising that in return he would give Whitgift copies of some of his own writings. Moreover, he was entertained by the archbishop of York at his house, and met the bishop of London, who

[1] Adamson's application to Walsingham, which is undated (like most of his letters), has been attributed to December 1583, but was probably written after Whitgift's letter of 4 Jan. 1583/4. S.P. Scot. Eliz., xxxiii. no. 94 (*Cal.*, vi. no. 707).

lent him money which Adamson ' dishonoured his country '[1] by failing to repay. He also despatched copies of his ' articles ' to the French church in London and to Geneva and Zurich, and spent part of his time in preparing some books for the press. The difficulties which he encountered were, however, more notable than his successes. Copies of his ' articles ' found their way not only to Scotland but also into the hands of the English presbyterians, who thought that they contained matter suitable for discussion at their conferences.[2] The enemies of the archbishops put obstacles in the way of further conversations between them and spread a rumour that they were conspiring for the restoration of Romanism, with the result that Adamson had to expound his protestant faith in four or five public sermons. His son-in-law and biographer, Florence Wilson, tells us that in these sermons Adamson gave such high praise to King James that Elizabeth commanded him to desist, and that he continued in private to advocate the right of the Scottish king to the English crown.[3] A number of influential Englishmen—*nobiles quidam* is Adamson's phrase—who desired the overthrow of episcopacy approached the Scottish archbishop with a suggestion that he should engineer the abolition of bishops in Scotland in order to set an example to England. But it was more to the archbishop's mind to defend episcopacy and to warn England against presbytery ; and this he did.[4]

The English presbyterians showed their interest in Adamson's mission and their appreciation of the danger

[1] Sir James Melville, *Memoirs* (Bannatyne Club, 1827), p. 315.

[2] Hist. MSS. Comm., *Report* xii, pt. ix, 149–50. The MS. collection which includes the minute book of the Dedham *classis* contains a copy of *Propositiones ministrorum Scotiae serenissimo regi oblatae* among writings which were ' inserted . . . because they were conferred of in our meetings '. The leakage of Adamson's ' articles ' into the hands of the English and Scottish presbyterians may have taken place through Jean Castel, minister of the French church in London (cf. Cotton MSS., Calig. C. ix. fo. 161), or through Walsingham and William Davison.

[3] P. Adamson, *Poemata sacra* (1619), sig. A. 3 *verso*.

[4] P. Adamson, *Opera* (1619), sig. T. 2 *verso*.

from it, not only by accusing the archbishops of Romish tendencies and by urging Adamson to change his policy, but also by criticising Whitgift for negotiating with the Scottish primate. Their spokesman was Robert Beale, who was a member of Walsingham's group of left-wing and pro-puritan politicians and whose interest in Scottish ecclesiastical affairs is proved by the existence of his collection of manuscripts relating to the Scottish church.[1] On 7 May 1584, shortly after Adamson had left England, Beale wrote to Whitgift, alleging that it was 'vehemently suspected that the archbishop of St. Andrews is lately departed hence with such an approbation of our rites here as carryeth with it a condemnation of the form used there; whereon it is not unlike but at the first some hold will be taken to the great disadvantage of the church'. Whitgift sent the letter to Burghley, and with it a refutation of the charges against him: 'It may be that I have spoken in the mislike of the churches in Scotland, but not of late nor upon any conference with the bishop of St. Andrews, for whatsoever my opinion is of that platform, yet I have learned not to be curious *in aliena republica*. All the conference that ever I had with the bishop of St. Andrews I made known to your lordship, since which time I have not seen him; neither hath he my hand to anything.'[2] Whitgift, although clear in his own mind as to the character of Scottish presbyterianism, had been discreet. His discretion saved him from censure by the civil authorities, and it was of service to the English government, which avoided serious friction with the English puritan party or with the Scottish presbyterians, who might at any time regain power. But it did not guard him from the suspicion of the Scottish ministers, among whom distrust of the English bishops was now for the first time sown, and it impeded Adamson's efforts to secure a united

[1] Hist. MSS. Comm., *Report* ii. 45. For Beale's character and views see Fuller, *Church history*, ix. v. 9.

[2] Strype, *Whitgift* (1822), i. 295, iii. 97; Hist. MSS. Comm., *Bath MSS. at Longleat*, ii. 23.

front against presbyterianism. The letter written to Whitgift by the Scottish primate shortly before he left England is in a tone of disappointment. Adamson's sense of failure at the rather meagre results of his mission was aggravated by other difficulties. On his arrival in England he had given away as presents the horses which had brought him south (his enemies called him a spendthrift), and he now found himself without mounts for the return journey. His health had not recovered sufficiently for him to use a swift horse, and he asked Whitgift to give him a sturdy beast to carry him home, promising to let the English primate have a better one in return before Whitsunday.

It was at the end of April or the beginning of May 1584 that Adamson went back to Scotland, boasting of his intention to abolish presbyteries and restrict the power of the ministers,[1] and shortly after his return the Scottish parliament passed the 'Black acts' which overthrew the presbyterian system and established the most effective episcopacy which Scotland had known since before the Reformation. The Scottish presbyterians were in despair, and the irreconcilables among them crossed the border into England, where they were befriended by Walsingham and welcomed by the English puritans. The English government's attitude towards the refugees remained one of indifference, in spite of pressure on one side from Walsingham and other puritan politicians, who wanted support for the Scottish malcontents in order to bring about the fall of the pro-episcopal Arran government, and on the other from the Scottish government itself, which, after an attempt at conciliation, urged the English government to banish the exiled ministers or at least to restrict their activities.[2]

[1] *Cal. S.P. Scot.*, vii. no. 138.

[2] *Ibid.*, nos. 138, 146, 149, 161, 165, 167, 175, 195, 208, 241, 267, 349, 479, 508, 542; Calderwood, *History*, iv. 352, viii. 267–8; Wodrow Soc., *Miscellany*, i. 413–14. These references give evidence of the friendly attitude of Walsingham, Davison and other English politicians to the Scottish presbyterians, of Walsingham's dealings with the exiled ministers in London, and of the policy of the Scottish government.

Adamson, flushed with his success at home, had an exaggerated idea of his influence on the English notables whom he had met,[1] and attempted to persuade Whitgift to advise hostility towards the exiles. On 16 June 1584 he wrote to the English archbishop explaining the Scottish government's policy. Presbyterianism had been overthrown, he said, not only because it was repugnant to the scriptures and to the practice of antiquity, but because the democratic assemblies had shown themselves to be instruments of sedition. The ministers who had gone to England had not been banished, but had fled before violence had even been threatened, and they ought not to be allowed to remain in England, or, if they did remain, to preach. He had not yet had an opportunity to send ' your grace's Galloway nag '. Whitgift, with his usual consideration for the civil power, notified to the queen the receipt of this letter, and presumably informed her of its contents.[2] The primate's scrupulous subservience to the government made it impossible for him to do more, although his antagonists, the radical politicians, had no such scruples and allowed their ecclesiastical preferences to influence their politics. There is no evidence that Whitgift continued to correspond with Adamson ; but in January 1584/5 he received from Scotland a letter from an unnamed Scotsman which indicates that he continued to be interested in developments north of the border.[3]

On the downfall of the Arran government in November 1585 the episcopacy which the ' Black acts ' had established was not at once overthrown ; and both the episcopalians and the presbyterians of England were keenly interested in the fate of the Scottish church. At the critical general assembly of May 1586, when the full presbyterian programme

[1] *Cal. S.P. Scot.*, vii. nos. 233, 236.

[2] The letter (Harl. MSS., 7004, fo. 3) is endorsed ' The receat of his letter I signifiet to her majestie at Nonesuch in Sommer anno 1584 '.

[3] [*Blank*] to Whitgift, 10 Jan. 1584/5, Add. MSS., 32,092, fo. 78*v* (copy). This letter, written in Scots and dated from Holyroodhouse, contains only invective against the Scottish presbyterian ministers.

was once more accepted, Dr. Giles Fletcher was an observer, and he sent an account of the proceedings to his brother Richard, dean of Peterborough, who retailed them to Whitgift, adding some unfavourable, if obscure, comments: 'I have sent your grace these first proceedings of the ecclesiastical general assembly in Scotland lately begun there: but not likely to end in haste for their manifold matters so saltly according to their fyrie humour controverted'.[1] Whitgift, still interested and critical, was not the man to begin open war against the Scottish presbyterian church. The task had to be undertaken by a cleric who felt less obligation to the civil power and to political considerations and occupied a less responsible position. It was soon alleged by a presbyterian writer that the English and Scottish bishops were conscious of identity of interest and were co-operating,[2] but this propaganda had as yet, so far as the evidence shows, very little foundation in fact. It was, however, prophetic of the course of events in the next few years.

The intense activity of the English presbyterians between 1584 and 1587 had resulted in vigorous repression. In taking the initiative and forcing the puritans to the defensive, the Anglicans had to strike at the Scottish church, whence the rebels derived some of their strength; and for their first overt attack on Scottish presbyterianism they selected no obscure occasion but a sermon preached from the open-air pulpit beside St. Paul's Cathedral, the scene of many great public sermons. The day chosen was the first Sunday of Elizabeth's seventh parliament (9 February 1588/9) and the preacher was Richard Bancroft, a London rector and canon already noted for his opposition to puritanism. In making a spirited defence of episcopal government Bancroft used conditions in Scotland as a warning against

[1] Nat. Lib. Scot. MSS., 6.1.13, fos. 33–4; copy in B.M., Add. MSS. 32,092, fo. 88*v*. Giles Fletcher described the assembly's proceedings to Walsingham also (*Cal. S.P. Scot.*, viii. no. 407).

[2] John Udall, *Diotrephes* (ed. Arber, 1880), p. 7.

the ' busy and turbulent humourists ' who endeavoured to infect England with the ' corrupt opinions ' which had triumphed among the Scots. He was resolved to show that the establishment of the ' presbyterial government ' did not, as the ' consistorians ' maintained, result in the disappearance of all vice and crime and the establishment of ' a very paradise upon this earth ' ; and, in order to illustrate the ' fruits of this new government where it was erected ', Bancroft drew on two unfavourable accounts of Scottish presbyterianism. The first was *A declaration of the king's majesty's intention and meaning concerning the late acts of parliament* (a manifesto drawn up by Archbishop Adamson in defence of the ' Black acts ') which had been published in London in 1585 and subsequently appeared in the 1587 edition of Holinshed's *Chronicles*. This work gave Bancroft material on the association of Scottish presbyterians with the rebellious proceedings of the ' Ruthven raiders ' in 1582 and 1584. Bancroft's second source was a letter of Robert Browne, the English separatist, who had seen presbyterianism in action when he visited Scotland in 1584 and had criticised it severely, commenting that the *régime* of pastors, doctors and presbyters produced ' instead of one pope a thousand, and instead of some lord bishops in name a thousand lordly tyrants in deed '. Bancroft welcomed Browne's remark that he had ' seen all manner of wickedness to abound much more in their best places in Scotland than in our worse places here in England '. Had the English preacher confined himself to repeating the allegations of the *Declaration* and of Browne's letter, criticism of his sermon could have come only from Scottish ministers and their English friends. But he took it on himself to say that King James had not altered his views since his suppression of presbyterianism in 1584, and implied that he was merely waiting for an opportunity to re-establish episcopacy. This suggestion, it will appear, had serious consequences. By referring to George Buchanan's *De jure regni apud Scotos*, a work composed to justify the Scottish revolu-

tion of 1567, Bancroft showed that he was already disposed to lay emphasis on the politics of presbyterianism as the most discreditable and dangerous part of that programme.[1]

Bancroft desired to obtain fuller information about conditions in Scotland in order to justify his views. The necessary instruments were ready to his hand. John Copcot, master of Corpus Christi College, Cambridge, had been engaged in combating the puritans' insistence on the necessity and value of the eldership, and in one of his writings he had used *A declaration of the king's majesty's intention and meaning* to show ' what stay to civil government ' the eldership had been in Scotland, and how it had been ' injurious to their sovereign's estate and the cause of great troubles '. The Scottish king, he said, had wisely foreseen ' that some went about to establish an ecclesiastical tyranny . . . under pretext of new invented presbyteries '.[2] Copcot, clearly, would be willing to assist Bancroft, and it happened that he was friendly with Robert Naunton, who was at this time attached to the English embassy in Edinburgh. Naunton was not sympathetic to the presbyterians, and in a letter to Copcot, dated 12 November 1589, he described ' the old inveterate grudge conceived by this clergy against Mr. Doctor Bancroft for intermeddling with their anarchy here established '.[3] Copcot showed this letter to Bancroft, who realised that he could make use of Naunton to equip himself for the controversy which, as the letter clearly showed, must ensue. When Copcot wrote again to his friend Naunton, on 1 January 1589/90, he enclosed a letter in which Bancroft asked Naunton to endeavour to obtain copies of correspondence between the Scottish

[1] Bancroft, *A sermon preached at Paules crosse* (1588), pp. 72–6 ; Robert Browne, *A new year's guift* (ed. C. Burrage, 1904), pp. 8, 25–6 (the MS. of this work [B.M., Add. MSS., 29,546, fos. 67–72] was used by Bancroft, who underlined the passages which he quoted). Bancroft afterwards explained in a letter to Burghley the line of thought which he had followed in his sermon (Nat. Lib. Scot. MSS., 6.1.13, fos. 46–55).

[2] Lambeth Palace MSS., vol. 374, fos. 135, 228, 229 ; Dudley Fenner, *Defence of the counterpoyson* (1586), preface and Sig. A. 3.

[3] Add. MSS., 32,092, fo. 106.

ministers and Beza or other continental divines and to send him answers to questions aimed at discovering the details of the presbyterian organisation in Scotland, particulars of the ministers' attitude towards the king, and the political ideas of the kirk. From the way in which the questions are framed, it appears that Bancroft wished to compare the Scottish organisation with the English presbyterian platform, to condemn it as inefficient, to denounce the Scots as rebellious and seditious, and so, by implication, to discredit the English puritans. He was not fastidious about the means by which his purpose was to be achieved, for he suggested that Naunton should 'insinuate' himself into the ranks of the Scottish presbyterian party 'as one desirous to embrace their devices', in order to have access to papers which the ministers might regard as confidential.[1] Naunton was urged by Bancroft to take precautions to ensure the secrecy of their correspondence, but evidently there was some kind of exposure. Naunton had to leave Scotland shortly after receiving Bancroft's letter,[2] and it seems probable that he therefore deputed John Norton, an English bookseller resident in Edinburgh, to obtain the information required by the Anglican churchman. A letter from Norton to Bancroft was intercepted, and when the bookseller was examined (on 12 February 1589/90) he loyally accepted all responsibility—presumably he had agreed to shield his employer—and declared that he had received from 'his uncle, old Norton' the questions which had in fact been directed to Robert Naunton.[3] A paper containing a series of answers to these questions is extant. It may have been written by Norton and intercepted before reaching Bancroft;

[1] Egerton MSS., 2598, fos. 240–5 (*Cal. S.P. Scot.*, x. no. 337); cf. R. G. Usher, *The reconstruction of the English church*, i. 56–7.

[2] *Cal. S.P. Scot.*, x. nos. 349, 353.

[3] Calderwood, *History*, v. 77. It is possible that there was no connection between Naunton and Norton and that Bancroft had employed the Nortons independently. On the other hand, Calderwood's account may be inaccurate, and Norton's confession may in fact have implicated Naunton.

but there is reason to believe that either this or another copy of the answers may have come into Bancroft's hands.[1] Bancroft had another instrument in his quest for information —John Gibson, a young Scotsman who had gone from Glasgow university to Cambridge in 1583 and, after graduating in 1585/6, been ordained in England. To him Bancroft signified his 'earnest desire thoroughly to know the order and accustomed fashions concerning the elderships as they are now erected in Scotland', and Gibson sent him a long account, based partly on his own observation and partly on what he had heard from others, of the proceedings of the Scottish church courts. He was able to satisfy Bancroft that 'the success of that government generally in all men concerning reformation in godliness and manners is very small'. This letter from Gibson exists to-day in the volume of manuscripts which contains the answers to the questions sent by Bancroft to Naunton.[2]

Scottish indignation at Bancroft's 'slanderous and infamous' sermon had been growing throughout the year 1589, and on 9 December the presbytery of Edinburgh decided to direct a petition to Queen Elizabeth 'desiring her majesty to take order with Mr. D. Bancroft'.[3] Two versions of a letter to Elizabeth were written,[4] and in them the ministers boldly pointed out that they had rendered service to England by supporting the English interest in Scotland, alleging that danger to the 'amity' came from

[1] Nat. Lib. Scot. MSS., 6.1.13, fos. 37–8. Dr. H. W. Meikle identified this paper as being a series of answers to Bancroft's questions. The same volume includes (at fos. 33–4) a letter to Whitgift of which there is a copy in the British Museum (Add. MSS., 32,092, fo. 88*v*) and (at fo. 42) a letter from a Scotsman which undoubtedly reached England; it is therefore likely that the papers directed to Bancroft which it contains came into his hands safely. It is noteworthy that Calderwood, who had access to a copy of the questions, did not apparently see any answers to them.

[2] *Ibid.*, fos. 39–41. The identification of Bancroft's informant is conjectural; see Register of presentations to benefices (H.M. Gen. Reg. House), i. 144; ii. 113, 115*v*; Venn, *Alumni Cantab.*, ii. 211; Hew Scott, *Fasti Eccl. Scot.*, i. 353.

[3] Wodrow Soc., *Miscellany*, i. 470.

[4] *Ibid.*, 489–96; Calderwood, *op. cit.*, v. 72–7.

English clerics who were inspired by 'Satan that old serpent' to calumniate the Scottish kirk. This hostility had first been shown when *A declaration of the king's majesty's intention and meaning* was 'received, diligently read, and that in the ears of divers chief personages of the realm [of England] . . . printed again at London, and with an odious new preface prefixed thereunto reprinted again : . . also insert . . . in the Chronicles of . . . Holinshed for the perpetual memory thereof'. The petitioners proceeded with their chief complaint : 'Secondly, one Bancroft . . . with most impudent mouth took upon him to traduce us, our ministry and whole church openly at Paul's Cross on Sunday the 9 of February last in time of parliament . . . where . . . he entered upon us, not sparing our very dead, but railing against that famous father Mr. Knox'. Thirdly they complained that 'we, our discipline and whole ministry are most ridiculously flouted, as we hear, in their stage plays, pamphlets and pasquils imprinted day by day', and they concluded this part of the letter with a hint to the queen that she was 'highly provoking our patience' and with a threat of 'a fearful curse within your own bowels'. They went on to request that the *Declaration*, being a forgery by Patrick Adamson, should be deleted from Holinshed ; that Bancroft should apologise publicly ; that some action should be taken against the authors of the plays and pamphlets ; and finally—most astonishing request—that 'it may please you after the example of good Josaphat to proclaim a public fast out-through your realm with preaching and supplication'. The Scottish king had gone overseas to fetch home his bride, and in his absence the audacity of the ministers was unrestrained.

There is no evidence that these immoderate demands ever reached Elizabeth ; but the course actually taken by the Scots was sufficiently distasteful to the English government. John Davidson, a minister who had been associated in the preparation of the presbytery's petition, composed a little book, *Bancroft's rashnes in rayling against the Church*

of Scotland, which brought out the strength of feeling against the English preacher for his attack on the Scottish kirk and king. In the general assembly of August 1590 James Melville preached a sermon on discipline, making the most extravagant claims for the necessity of the presbyterian courts and for their powers over kings and nobles as well as common men, and he said that his subject was specially apt because ' the belly-god bishops of England by all moyen and money were seeking conformity ' between the two churches. This declaration of war was made in the presence of Robert Bowes, the English ambassador. King James, who had returned to Scotland in May, had expressed displeasure with Davidson for writing *Bancroft's rashnes* ; but he was unwilling to condemn the book's argument, since his own annoyance at Bancroft's aspersions on his sincerity was genuine enough ; and it was in the same general assembly that he made his well-known outburst against the Church of England—' As for our neighbour kirk in England, it is an evil mass said in English, wanting nothing but the liftings '.[1] On 24 October 1590 Robert Bowes wrote to lord treasurer Burghley, enclosing a copy of Davidson's book and explaining that although the king had endeavoured to confiscate the entire edition some copies had in fact escaped. The matter, he went on, ' hath had sundry consultations and been diversely tossed ', for it was ' stomached ' in Scotland that Bancroft had charged King James with manifest dissimulation and had used the *Declaration*, which was officially pronounced to be an unauthorised publication by Archbishop Adamson. James and his chancellor were unwilling to make a protest directly to the English government, and on the ambassador, therefore, fell the stigma of taking action, involving as it did a loss of credit with at least the more extreme section of the Scottish ministers.[2]

On receiving this report from Bowes, Burghley sent for

[1] Wodrow Soc., *Miscellany*, i. 503–20 ; J. Melville, *Diary*, pp. 280–1 ; Calderwood, *op. cit.*, v. 100–1, 106, 112.

[2] S.P. Scot. Eliz., xlvi. nos. 48, 58 (*Cal.*, x. nos. 482, 492).

Bancroft. The cleric, who had read Davidson's newly published attack on his sermon, guessed why he had been sent for, but, although he was thus prepared, the interview was unpleasant. Burghley pointed to the passages in Davidson's work dealing with Bancroft's remarks about James, told him that the pulpit was ' not a place to deal in much with princes ', and appeared to be ' greatly moved '. Bancroft was ' in sort dismayed ', and, as time was short and the lord treasurer had many other people to interview, he thought it best to frame an explanation or defence—it is that rather than a recantation—in writing. In a long letter to Burghley, he first explained his motive in making a reference to Scotland, and went on to examine the character of the *Declaration*. He gave illustrations of the violence of the presbyterians and of their seditious attitude towards the king, and praised the ' Black acts ' for the check which they had imposed on the ministers. He then explained how calumnies about James had been circulated and how the *Declaration* was set forth to refute them, and he reminded Burghley that neither had the *Declaration* (originally published *cum privilegio regali*) been disavowed nor Adamson censured for publishing it. Bancroft next dealt with the central point, his remarks about King James, protesting that there was a difference between the words which he had spoken in the pulpit and the printed copies of his sermon and urging that no man in his senses would wittingly have offended the Scottish king, since he was Elizabeth's ally. But at the worst, he continued, his words could not bear the construction put on them. He proceeded to carry the war into the enemy's country by referring to the violent language used by Knox and, more recently, other Scottish ministers, about the English crown and the English church. ' The consistorian humour is of a strange mixture. They will censure and gall every man, but they must not be touched '. Before leaving this part of his subject, Bancroft returned to his favourite point about presbyterian politics, describing the writings of Knox and Buchanan as ' trumpets

of rebellion'. He went on to justify his use of Robert Browne's letter, and concluded by asserting that 'advertisements' which he had received from Scotland since he preached his sermon had tended to confirm him in his critical attitude towards the Scottish ministers.[1]

A copy of Bancroft's letter of explanation was sent to King James, to whom it gave only partial satisfaction. The king regretted that Bancroft had not abandoned Browne as a source of information, and would have preferred that the English preacher should, either at Paul's Cross or some other public place, admit his errors and explain his true meaning. A letter from Burghley to the lord chancellor of Scotland helped to mollify James, who reflected that the differences between Bancroft and the ministers might be debated without involving his honour and that to press his own wishes further might bring contention rather than profit.[2]

Bancroft had laid himself open to attack by the English puritans, who were ever watchful for aspersions on the Scottish church. They now had a surer basis for their attack than they had when Beale criticised Whitgift for negotiating with Adamson. John Penry in his *A briefe discovery of the untruthes and slanders contained in a sermon preached the 8 of Februarie 1588 by D. Bancroft* (1590) mentioned Bancroft's insinuation that the Scottish king 'is a deadly enemy unto the present government established in his kingdom, and watcheth but his time to overthrow it' and his allegation that the Scottish ministers were seditious; these charges, he said, would be answered by the Scots themselves, but he argued that rebellious conduct on the part of the ministers did not prove their form of church government to be false. He also censured Bancroft for giving credit to a letter of Robert Browne, whom he described as 'a known schismatic' and a 'proud ungodly man'.[3]

[1] Nat. Lib. Scot. MSS., 6.1.13, fos. 46–55.
[2] S.P. Scot. Eliz., xlvi. nos. 69, 71; xlvii. no. 4 (*Cal.*, x. nos. 505, 517).
[3] Penry, *A briefe discovery*, pp. 42–4.

Bancroft had read Penry's book before he wrote his *apologia* to Burghley. After John Davidson had stated the case for the Scottish king and church, a more studied criticism of Bancroft appeared in a puritan petition to the queen, possibly written by Henry Barrowe. The author of this work suggested that Bancroft had turned to Scotland for illustrations of the rebellious tendencies of presbyterianism because he could not find evidence in England, and asserted that he had implied that King James was a ' flat hypocrite '. This writer dismissed the *Declaration*, on which Bancroft had based much of his argument, as ' counterfait by the graceless archbishop of St. Andrews ', and expressed his belief that the king was a sincere supporter of the presbyterian polity. He emphasised the most vulnerable point in Bancroft's sermon—the attack on James—by quoting from Davidson's *Bancroft's Rashnes*.[1]

Bancroft apparently attempted to make contact with Archbishop Adamson. It is alleged by the presbyterian historian Calderwood that in 1590 or 1591 Bancroft sent letters secretly to the Scottish prelate, telling him that he had read some of his writings, assuring him of support in any attempt to restore episcopacy, and promising him a welcome if he visited England. It is true that Adamson, although no longer exercising any episcopal functions, was still regarded as dangerous by the presbyterians and was charged in 1591 with having assisted the English anti-puritan controversialist Matthew Sutcliffe in the compilation of one of his works. Calderwood's story, although it may be an unfounded accusation which had formed part of a propaganda campaign against Adamson, is not inherently improbable.[2] But the Scottish archbishop was a dying man, and presbyterianism was in the ascendant, when

[1] ' A petition directed to her most excellent majestie ', Harl. MSS., 7581, published probably in 1591 (*Short title catalogue*, 1521). The section dealing with Scotland is on fo. 28 (p. 51) of the MS. and p. 46 of the printed version.

[2] Calderwood, *op. cit.*, v. 118–23 ; J. Melville, *Diary*, pp. 281–2 ; *Cal. S.P. Scot.*, x. no. 548.

Scottish episcopacy was offered the English countenance which had been sought in vain from Whitgift seven years earlier. Bancroft, but not Adamson, lived to see the time when the restoration of episcopacy in Scotland would again be practicable.

Bancroft was little affected by the censure which he received for his sermon and by the opposition which he encountered, and he continued the castigation of the Scots in two books, *Daungerous positions and proceedings* and *A survay of the pretended holy discipline*, both published in 1593. His line of argument, indicated in the famous phrase ' English Scottizing for discipline ', was that a great deal of English puritan thought could be traced to Scottish sources, and he paid particular attention to the subversive politics of the Scottish Reformation (as illustrated in Knox's *History of the Reformation* and as reasoned in Buchanan's *De jure regni*) and to the association of the presbyterian party with the successive *coups d'état* of 1582–5. He was now equipped with a more adequate knowledge of Scottish affairs than he had displayed in 1589, when, in compiling his sermon, he had drawn on Adamson's *Declaration* and Robert Browne's *A new year's guift*. Of printed books, he had now read the first *Book of discipline*, the 1584 London edition of the Anglo-Genevan service book (*The book of common order*), John Davidson's reply to his sermon (*Bancroft's rashnes*), Penry's *A briefe discovery*, the volume of Robert Bruce's *Sermons* published in 1591 and the 1587 edition of Holinshed's *Chronicles*, which was a useful source for recent Scottish history.[1] Most important among printed books, however, was Vautrollier's edition of Knox's *History*, which Bancroft studied carefully and from which he drew illustrations of his conception of the politics of the Scottish reformers.[2] In manuscript he had, presumably, the answers to the questions which he had sent to Robert Naunton and

[1] Bancroft, *Survay*, pp. 48–9, 75, 78, 147, 174, 186, 458–60 ; *Daungerous positions*, p. 6.

[2] *Survay*, pp. 48–9, 228 ; *Daungerous positions*, pp. 10 ff.

the information which he had received from John Gibson, besides other 'advertisements'. He quoted from one of Archbishop Adamson's letters to Whitgift—an indication that the primate may have taken an interest in Bancroft's work and given him some assistance. He referred also to 'James Gibson's conference with the king, penned by himself and delivered abroad in many copies', an account of an interview in the course of which the most audacious of the Scottish ministers had called the king a persecutor who maintained 'the tyranny of bishops, and absolute power'.[1]

The only immediate result of Bancroft's work was to foster an atmosphere of tension in which there flourished the belief of the Scottish presbyterians that the English bishops were conspiring with King James—a belief which had not, so far as we know, much foundation in fact.[2] Bancroft's principal aim had been to discredit the English puritans by stressing the taint of sedition which was attached to their Scottish allies. Whatever his wishes, he could exert no influence in Scotland in the 1590's, for the episcopal cause there was dead and its resurrection not yet possible. But if there was little ground for the Scottish ministers' suspicions, there was ample justification for apprehension about the future, as the first seven years of James's English reign—roughly the period of Bancroft's tenure of the primacy—were to see the complete restoration of Scottish episcopacy as part of Bancroft's scheme for Anglican reconstruction.[3]

[1] *Daungerous positions*, pp. 5, 27. For James Gibson see Calderwood, *op. cit.*, iv. 484–8. One cannot fail to comment on the fact that B.M., Add. MSS., 32,092 (which contains a transcript of the Adamson-Whitgift correspondence, letters which passed between Beza and Scottish divines, various papers relating to Scottish ecclesiastical affairs, and a letter from Robert Naunton to John Copcot) is such a volume as might have been compiled for Bancroft's use. With Nat. Lib. Scot. MSS., 6.1.13, it provides the principal material for this subject.

[2] J. Melville, *Diary*, p. 679; S.P. Scot. Eliz., lxiii. no. 85; Peter Heylin, *Aërius redivivus* (1672), p. 355.

[3] R. G. Usher, *op. cit.*, ii. 154–74.

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ZÜRICH, 100.

REPORT OF THE COUNCIL. SESSION 1939–40

THE Council of the Royal Historical Society have the honour of presenting the Annual Report to the General Meeting as follows :—

The meetings of the Society were suspended during the autumn of 1939, on account of the difficulties caused by the black-out and the uncertainty about what action might be taken by the enemy against London. The Council continued to meet regularly, although the number of the meetings of its various committees was as far as possible reduced. The ordinary meetings of the Society were resumed after Christmas, but they were held at 2.30 p.m. on Saturdays, instead of at the usual hour on Thursdays, and it was necessary to make some changes in the list of papers announced. No attempt was made to resume the informal evening discussions. It proved possible in May and June to revert to the usual hour for the ordinary meetings ; but the summer party arranged for the 4th of June had to be cancelled. The Council regard it as a matter for congratulation that, in spite of this disturbance of its activities, the Society has been so loyally supported by its Fellows and Associates that it has, as will appear from the particulars set out later in this Report, suffered no serious loss of numbers and has fully maintained the output of its publications.

The premises suffered some slight damage from enemy action on the night of 9th September, but the Society had only very slight losses. Some books which had been withdrawn from the library were damaged by the flooding of the cellar. Among them were parts of sets of record publications of which the damage is to be regretted. But the Council had been unable to find purchasers for them, and the pecuniary loss must be accounted small.

The Council wish, this year, to bring *Writings on British History* to the particular attention of Fellows, Associates,

and Subscribing Libraries. The first volume in the series was published in 1937. The venture was made possible by the accumulation of £1,099 unspent income derived from the Prothero bequest, and it was the hope of Council that, by the time this sum had been exhausted, the series would have won for itself sufficient support to enable it to be carried on without an annual subvention. But the political crisis of the autumn of 1938, and the outbreak of war in 1939, have resulted in rising costs and falling sales, and the expectations of Council have been disappointed. The Council observe, however, that while on the one hand the volume of sales to the public has been gratifying, on the other, sales to Fellows, Associates, and Subscribing Libraries have been very small. The total number of copies sold has been "1934", 465, "1935", 389, "1936", 296. Of these only 159, 134, and 118, respectively, have been sales at the 10*s.* rate available to members. Of these only 108, 92, and 91 have been purchased by Subscribing Libraries and only 51, 42, and 27 by Fellows and Associates. It is this failure of support within the Society which, as much as any external event, has upset the calculations of Council; and it is particularly disappointing that so few libraries should take a series which it was hoped would be of peculiar value to them. The Society has 289 Subscribing Libraries and 907 Fellows and Associates. If half the Libraries and one in four of the Fellows and Associates bought the volumes, the continuation of the series would in normal circumstances be assured.

Fellows will be aware that the recent publication plans of Council have been more ambitiously conceived than those of earlier years. On the eve of the war it was hoped that funds would permit the issue of three or four volumes a year in addition to *Transactions* and *Writings on British History*. But editors now find it hard to give their time, costs are rising, and paper stocks are difficult to renew. Nevertheless the Council submit that the Society may be satisfied with its output during the session now past.

Writings on British History, 1936, the third volume in the series, has appeared since the last report. *Transactions*, Fourth Series, Volume XXII, was issued on New Year's Day, 1940. The annual quota of two volumes in the Camden Series appeared in October 1940, bearing the titles *British consular reports on the trade and politics of Latin America, 1824–26* (Camden Third Series, Vol. LXIII), edited by R. A. Humphreys, and *Camden Miscellany*, Vol. XVII (Camden Third Series, Vol. LXIV). The desire of Council to put a third volume of the new Guides and Handbooks series in the hands of Fellows before the close of the session was not gratified. Two of those volumes are nevertheless in an advanced state of preparation, namely, *A list an index of parlimentary papers, 1700–1800*, edited by E. Wagstaff and A. T. Milne, and *Medieval British libraries, an index of surviving books*, by various editors; and one of these should be issued during the coming session. One volume which had been under consideration for this series will not now appear. *A bibliography of Anglo-German relations in the nineteenth century* had been in preparation for some time under the editorship of Dr. Hans Goldschmidt, late librarian of the Preussische Staatsarchiv at Potsdam. This distinguished scholar, already a victim of persecution, was killed in an air attack on this country in November last. The programme approved for the session 1940–41 includes two new volumes in the Camden Series, namely, Volume I of Miss Margaret Midgley's *Ministers' accounts of the earldom of Cornwall, 1296–1297* and *Correspondence of Charles Arbuthnot*, edited by A. Aspinall; but the Society's ability to produce both of these in the next twelve months, in addition to one of the Guides and Handbooks already mentioned, will be governed by general conditions.

At the Annual General Meeting held on 3 February, 1940, Dr. J. H. Clapham, Dr. A. G. Little, and Professor A. F. Basil Williams were elected Honorary Vice-Presidents. The Vice-Presidents retiring under By-law XVII were Professor A. P. Newton and Dr. J. H. Clapham. A further vacancy

was caused by the nomination of Dr. A. G. Little as an Honorary Vice-President. Dr. Z. N. Brooke, Dr. Rose Graham, and the Rev. J. M. Thompson were elected to fill the vacancies. The Members of Council retiring under By-Law XVII were Dr. A. Aspinall, Dr. Helen Cam, Professor R. R. Darlington, and L. E. Tanner. Dr. C. S. B. Buckland, Mrs. M. Dorothy George, R. Pares, and Professor T. F. T. Plucknett were elected to fill the vacancies. Messrs. C. Ryland Beeby & Co. were appointed Auditors for the year 1939–40.

The following papers were read during the session 1939–40 :—

" The English Coronation Oath." By H. G. Richardson. (6 January, 1940.)
" The Relations between England and Flanders before the Norman Conquest." By Philip Grierson. (9 March, 1940.)
" Early English and Gallic Minsters." By Miss M. Deanesly. (9 May, 1940.)

The President, Professor F. M. Stenton, delivered an address at the Anniversary Meeting on 3 February, 1940, his subject being " The Historical Bearing of Place-Name Studies : Anglo-Saxon Heathenism." The Alexander Medal was awarded to R. Somerville, M.A., F.R.Hist.S., for an essay entitled " The Duchy of Lancaster Council and Court of Duchy Chamber." The essay was read on 11 June, 1940. The essay of the Rev. Vivian H. H. Green, B.A., entitled " The Life and Work of Bishop Pecock " was awarded the recognition of *proxime accessit*. The Presidential address, the Alexander Essay, and a paper on " Nationality and Language in Medieval England " communicated by Professor V. H. Galbraith, together with the above papers were printed in *Transactions*, Fourth Series, Volume XXIII. No essays were submitted for the David Berry prize.

The Council have to record, with regret, the deaths of 22 Fellows and 1 Associate. Among these the Council would especially mention Monsieur Charles Bémont, a Correspond-

ing member from 1894 until his death ; Professor Bronislaw Dembinski, a Corresponding member from 1930 until his death ; Professor R. K. Hannay, a Corresponding member from 1921 until his death ; Sir Henry C. Maxwell-Lyte, an Honorary Life Fellow from 1897 until his death ; Professor Georges Pagès, a Corresponding member from 1935 until his death ; Professor Eileen E. Power, a Vice-President from 1939 until her death ; and Lord Tweedsmuir, a member of Council from 1929 to 1932. In addition 22 Fellows and 4 libraries have been lost by resignation, and 5 Fellows by removal from the roll for non-payment of subscriptions. 11 Fellows and 3 Associates have been elected, and 4 libraries have been admitted as subscribing libraries. The membership of the Society on 31 October, 1940, was 859 Fellows, including Ordinary, Life, Honorary, and Corresponding Fellows, and 48 Associates. There were 289 subscribing libraries. Of the Fellows 1 was Honorary, 38 were Corresponding, and 164 were Life Fellows. There was a loss of 38 Fellows and a gain of 2 Associates. There were 21 Societies, British and foreign, which exchanged their publications with the *Transactions* and *Camden Series* of the Society.

The reorganisation of the Society's library has now been completed. There will be found in the Appendix to this Report particulars of the further additions made to the Society's collection of the record series published by various historical societies and of the State papers published by H.M. Stationery Office. There is added a list of those volumes still needed to complete the Society's collections.

The Treasurer reports that the income of the year 1939/40 exceeded the expenditure chargeable against it by £119 5*s.* 0*d.* This surplus has been allocated as to £69 5*s.* 0*d.* to the Publications Reserve Fund and as to £50 to the Publications Account. The sum of £1,150 was granted for Publications —the same figure as for the preceding year. The Library (Reorganisation) Account has been closed, and any future income from sales will be credited to the ordinary Library

Account. During the year under review the following investments were realised :—

£300 Canada 3½%—by redemption
£1,220 Conversion Stock 4½%

The proceeds derived from the sale of the Canada Stock represent accumulated income previously invested. The proceeds of the Conversion Stock were re-invested in the purchase of £1,229 12*s.* 3*d.* Conversion Stock 3½%. The profit on realisation of these investments has been added to the balance on General Income and Expenditure Account, which now amounts to £2,880 8*s.* 4*d.* as compared with £2,725 16*s.* 4*d.* at the beginning of the year.

APPENDIX

(i) *The following publications of record societies have been added to those already in the library :—*

Essex Archæological Society. *Feet of Fines for Essex*, parts 1–26. Colchester, 1899–1938.
Hakluyt Society. *Publications*, 2nd series, vols. XVI, LVI–LXXIX. [*Wants* all 1st series and 2nd series, vols. I–XII.]
Society of Antiquaries of London. *Proceedings*. 1st series. 4 vols. 2nd series, vols. I–XVIII. [Completing set.]
Thoroton Society. *Transactions*, vols. I–XXI. [Completing set.]

(ii) *The addition of the following Calendars of State Papers has made the Society's collection nearly complete, with the exception of most of the Irish Calendars.*

Calendar of Close Rolls, Edward III (1327–77). 14 vols. [Completing set of Close Rolls.]
Letters and Papers, Foreign and Domestic, Henry VIII. Vols. I, VIII–X, XII–XXI. 1885–1910. [*Wants* vols. II–VII (1515–34) and XI (1536).]
Calendar of State Papers, Domestic, Edward VI–James I. Vols. III, IV. [*Wants* vols. II (1581–90) and VII (Addenda, 1566–79).]
Calendar of Treasury Papers (1557–1728). 6 vols. 1868–89. [Complete set.]
Calendar of Treasury Books (1660–1685). Vols. I–IV, VI, VII. [Completing set.]
Calendar of Treasury Books and Papers (1729–45). 5 vols. 1898–1903. [Complete set.]
Acts of the Privy Council of England. New Series, vols. XXXIII and XXXIV. [Completing set.]
Acts of the Privy Council of England. Colonial series, vols. I and II. [Completing set.]
Register of the Great Seal of Scotland (1424–1668). 11 vols. 1882–1914. [Complete set.]
Rotuli Scaccarii Regum Scotorum (1264–1600). 23 vols. 1878–1908. [Complete set.]
Accounts of the Lord High Treasurer of Scotland (1473–1566). 11 vols. 1900–16. [Complete set.]
Documents illustrative of the history of Scotland. 2 vols. 1870.

Calendar of Documents relating to Ireland (1171–1307). 5 vols. 1875–86.
State Papers, Venetian. Vols. I, II and IV. [*Wants* vol. XXII. (1629–32).]

(iii) *Besides the volumes noted above, the library lacks the following record publications issued by Societies and the following series of State Papers :—*

Anglesey Antiquarian Society. *Anglesey Deeds* (1927).
Cumberland and Westmorland Antiquarian Society. *Publications. Record Series,* vols. III, VIII.
Guernsey Historical Society. *Note-book of Pierre Le Roy* (1893).
Manx Society. *Publications,* vols. V, XXII, XXIII.
Somerset Record Society. *Publications,* vol. XXVII.

SCOTLAND.

Indexes to Registers of Deeds. 27 vols. 1915–34. [Except vols. VII and XV.]
State Papers relating to Scotland and Mary, Queen of Scots (1547–1603). 11 vols. 1898–1937.
Letters and Papers relating to the Borders (1560–1703). 2 vols. 1894–5.

IRELAND.

Calendar of State Papers relating to Ireland (1509–1670). 24 vols. 1860–1912.
Carte and Carew Papers. 1864.
Calendar of Carew Papers (1515–1624). 6 vols. 1867–73.
Rotulorum Patentium et Clausarum Calendarium. 1828.
Patent and Close Rolls (1509–1603, 1625–32). 3 vols. 1861–4.
Irish Patent Rolls of James I. n.d.
Justiciary Rolls (1295–1307). 2 vols. 1906–14.
Inquisitionum Repertorium, 2 vols. 1826.
Chartae, Privilegia et Immunitates. 1889.
Annals of Ulster. 4 vols. 1888–1901.

SPAIN.

Letters, Despatches and State Papers relating to the Negotiations between England and Spain (1485–1553). 11 vols. in 17. 1862–1916.

ROYAL HISTORICAL SOCIETY.

I.—Income and Expenditure Account for the Year ended October 31, 1940.

Expenditure.			£ s. d.
To Establishment Expenses :—			
Rent—96, Cheyne Walk	£208 8 0		
Rent—Warehousing of Stock	19 10 0		
Rates	56 14 1		
Fire Insurance	13 2 8		
Repairs	6 17 0		
Wages	52 0 0		
Extra Service and Cleaning	7 11 3		
Lighting and Heating	21 12 6		
National Insurance	1 19 3		
Workmen's Compensation Insurance, *less* Rebate	0 7 11		
Monthly Meetings—Refreshments	4 10 8		
			392 13 4
„ Secretarial and Administrative Expenses :—			
Salary	400 0 0		
Typing	10 4 1		
General Printing and Stationery	64 19 7		
Accountancy and Audit	31 10 0		
Postages	37 5 5		
Telephone	8 13 10		
Travelling Expenses	10 1 3		
Sundries	6 9 8		
			569 3 10
„ Library :—			
Grant			150 0 0
„ Other Charges :—			
Alexander Medal	3 5 0		
International Congress	15 15 0		
Friends of National Libraries	1 1 0		
British Record Association	1 0 0		
			21 1 0
„ Publications:—			
Directors' Honoraria	150 0 0		
Salary of Assistant Officer	354 6 2		
Typing	19 15 0		
Premium on Pension Fund for Assistant Officer	25 17 7		
Grant for Publications	£1,150 0 0		
Proceeds from Sales	106 13 4		
		1,256 13 4	
			1,806 12 1
			2,939 10 3
„ Balance, being Excess of Income over Expenditure for the year, transferred :—			
(*a*) to Publications Reserve Fund	69 5 0		
(*b*) to Publications Account	50 0 0		
		119 5 0	
			£3,058 15 3

Income.			£ s. d.
By Arrears of Subscriptions received	£71 2 0		
Less Amount estimated to be received in last year's Accounts for subscriptions in arrear	35 0 0		
Subscriptions in arrear, received in excess of estimate			36 2 0
„ Subscriptions now in arrear, estimated to be received			35 0 0
„ Subscriptions of 1940 :—			
47 at 21s.	49 7 0		
274 at 30s.	411 0 0		
614 at 42s.	1,289 16 0		
		1,750 3 0	
„ Life Subscriptions	52 10 0		
Less Proportion required by By-Law IX to be invested (see Balance Sheet)	31 16 0		
		20 14 0	
„ Proceeds from Sale of Publications		106 13 4	
„ Dividends on Investments and Tax recovered		308 17 8	
„ Interest on Deposit Account at Bank		5 16 3	
„ The Sir George W. Prothero Bequest :—			
Dividends and Interest on Investments	600 16 9		
Income Tax recovered	183 5 5		
Royalties	11 6 10		
		795 9 0	
		£3,058 15 3	

ROYAL HISTORICAL SOCIETY.

II.—Publications Account for the Year ended October 31, 1940.

Dr.					Cr.		
	£	s.	d.		£	s.	d.
To Payments made during the Year:—				By Balance of Allocations at October 31, 1939, Brought Forward	1,332	4	5
Camden Third Series:				„ Allocation for Publications 1939/40:—			
Vol LVIII—Total Cost £392 3 9				Grant £1,150 0 0			
Less Paid in 1938/39 367 10 2				Proceeds of sales (As per Income and Expenditure Account) 106 13 4			
	24	13	7		1,256	13	4
Vol. LXII	307	4	0	„ Transfer from Surplus on Income and Expenditure Account	50	0	0
Vol. LXIII	410	3	0				
Vol. LXIV	211	8	3				
Transactions, Vol. XXII	235	19	5				
Handbook of British Chronology	600	17	6				
Postage, Packing and Sundry Expenses	30	15	9				
	1,821	1	6				
„ Balance of Allocations at October 31, 1940 Carried Forward	817	16	3				
	£2,638	17	9		£2,638	17	9

Note.—There is a liability to printers estimated at £240, in respect of volumes chargeable against the allocation for 1940–1.

ROYAL HISTORICAL SOCIETY.

III.—Balance Sheet as at October 31, 1940.

Liabilities.			£ s. d.
Life Subscriptions required to be invested as Capital Account (By-Law IX) :—			
Amount brought forward from last Balance Sheet	£2,002 0 0		
Add Proportion of Life Subscriptions received in 1940 (see Income and Expenditure Account)	31 16 0		
	2,033 16 0		
Less Amount transferred to General Income and Expenditure Account	2 2 0		
		2,031 14 0	
Publications Reserve Fund :—			
Balance from last Account	79 0 0		
Add Transfer from Income and Expenditure Account	69 5 0		
		148 5 0	
Lease Renewal Fund :—			
Balance from last Account		112 0 4	
Fund in Aid of Pensions :—			
Balance from last Account		2,706 4 6	
Library (Re-Organization) Account :—			
Balance from last Account	4 1 4		
Add Receipts from sale of books withdrawn	55 18 10		
	60 0 2		
Less Purchases and Binding	64 9 8		
Amount overspent charged to Library Account	£4 9 6		
Publications Account :—			
Balance of Allocations at October 31, 1940		817 16 3	

Assets.			£ s. d.
Investments, viz. :—			
£699 9s. 9d. Consols 2½% valued at	£314 0 0		
£900 India 3½% valued at in 1920	500 0 0		
£879 3s. 6d. Conversion Stock 5% at cost	826 3 1		
£4,052 12s. 4d. Conversion Stock 3½% at cost	3,638 11 0		
£465 Local Loans 3% at cost	451 13 11		
£400 Metropolitan Water Board 4½% "D" Stock at cost	470 1 0		
500 National Savings Certificates at cost	400 0 0		
£296 4s. New Zealand 4% Stock 1943/63 at cost	297 6 10		
		6,897 15 10	
(Market value at October 31, 1940, £7,984 11s. 5d.)			
Cash at Bank : Current Account	162 2 5		
Deposit Account	180 13 2		
,, in hand	1 5		
		342 17 0	
Stock of Publications :—			
As at October 31, 1939		600 0 0	

LIBRARY ACCOUNT :—								
Balance from last Account					9	2	9	
Grant for the year					150	0	0	
					159	2	9	
Less Expenditure during the year			137	8	11			
Balance transferred from Library (Re-Organization) Account			4	9	6			
					141	18	5	
							17	4	4
SUBSCRIPTIONS RECEIVED IN ADVANCE							11	16	0
THE SIR GEORGE W. PROTHERO BEQUEST :—									
Balance from last Account							22,121	9	6
"WRITINGS ON BRITISH HISTORY": PRODUCTION ACCOUNT :—									
Balance from last Account					541	14	0		
Less Expenditure during the year: Subsidy :—									
"1936" 2nd Instalt.			75	0	0				
Other charges			16	9	11				
					91	9	11		
							450	4	1
GENERAL INCOME AND EXPENDITURE ACCOUNT :—									
Balance of accumulated income at October 31, 1939					2,725	16	4		
Add Amount transferred from Life Subscriptions Account					2	2	0		
Profit on redemption of £300 Canada 3½% Stock					100	0	0		
Profit on sale of £1,220 Conversion Stock 4½%					52	10	0		
							2,880	8	4
							£31,297	2	4

LIBRARY :—			
As at October 31, 1939	1,000	0	0
FURNITURE, ETC. :—			
As at October 31, 1939	300	0	0
SUBSCRIPTIONS IN ARREAR estimated to be received (see Income and Expenditure Account)	35	0	0
THE SIR GEORGE W. PROTHERO BEQUEST :—			
Investments—As at October 31, 1939 (Market value at October 31, 1940, £19,570 10s. 1d.)	22,121	9	6
	£31,297	2	4

We have examined the foregoing Income and Expenditure Account and Balance Sheet with the Books and Vouchers of the Society. We have verified the Securities appearing in the Balance Sheet. We report that the above Balance Sheet is, in our opinion, properly drawn up so as to exhibit a true and correct view of the state of the affairs of the Society, according to the best of our information and the explanations given to us and as shown by the books of the Society.

C. RYLAND BEEBY & CO.,
Chartered Accountants, Auditors.

66 BASINGHALL STREET, LONDON, E.C.2.
December 5, 1940.

THE DAVID BERRY TRUST.

Income and Expenditure Account for the year ended October 31, 1940.

DR. CR.

Receipts.

	£	s.	d.
To Balance in hand, October 31, 1939, brought forward from last Account, viz.:—			
Cash at Bank £239 7 0			
„ in Hand 3 6 0			
	242	13	0
„ Dividends on Investments per Charity Commissioners	45	10	6
	£288	3	6

Payments.

	£	s.	d.
By Printing	1	2	10
„ Balance in hand, October 31, 1940, carried forward, viz.:—			
Cash at Bank £283 14 8			
„ in Hand 3 6 0			
	287	0	8
	£288	3	6

We have examined the above account and find it correct.

C. RYLAND BEEBY & Co.,
Chartered Accountants,
Auditors.

66 Basinghall Street,
London, E.C.2.
December 5, 1940.

ALEXANDER PRIZE

The Alexander Prize was established in 1897 by L. C. Alexander, F.R.Hist.S. It consists of a Silver Medal awarded annually for an essay upon some historical subject. Candidates may select their own subject provided such subject has been previously submitted to and approved by the Literary Directors. The essay must be a genuine work of original research, not hitherto published, and one which has not been awarded any other prize. It must not exceed 6,000 words in length and must be sent in on or before 28 February 1942.

LIST OF ALEXANDER PRIZE ESSAYISTS (1898–1941) [1]

1898. F. Hermia Durham (" The Relations of the Crown to Trade under James I ").

1899. W. F. Lord, B.A. (" The Development of Political Parties in the reign of Queen Anne ").

1901. Laura M. Roberts (" The Peace of Lunéville ").

1902. V. B. Redstone (" The Social Condition of England during the Wars of the Roses ").

1903. Rose Graham (" The Intellectual Influence of English Monasticism between the tenth and twelfth centuries ").

1904. Enid W. G. Routh (" The Balance of Power in the Seventeenth Century ").

1905. W. A. P. Mason, M.A. (" The Beginnings of the Cistercian Order ").

1906. Rachel R. Reid, M.A. (" The Rebellion of the Earls, 1569 ").

1908. Kate Hotblack (" The Peace of Paris, 1763 ").

1909. Nellie Nield, M.A. (" The Social and Economic Condition of the Unfree Classes in England in the Twelfth and Thirteenth Centuries ").

[1] No award was made in 1900, 1907, 1910, 1911, 1913, 1914, 1921. The prize Essays for 1909 and 1919 were not published in the *Transactions*. No Essays were submitted in 1915 and 1916.

1912. H. G. Richardson (" The Parish Clergy of the Fourteenth and Fifteenth Centuries ").
1917. Isobel D. Thornley, B.A. (" The Treason Legislation of 1531–1534 ").
1918. T. Plucknett, B.A. (" The Place of the Council in the Fifteenth Century ").
1919. Edna F. White, M.A. (" The Jurisdiction of the Privy Council under the Tudors ").
1920. J. E. Neale, M.A. (" The Commons Journals of the Tudor Period ").
1922. C. E. Martin (" The English Establishments on the Gold Coast in the Second Half of the Eighteenth Century ").
1923. E. W. Hensman, M.A. (" The Civil War of 1648 in the East Midlands ").
1924. Grace Stretton, B.A. (" Some Aspects of Mediæval Travel ").
1925. F. A. Mace, M.A. (" Devonshire Ports in the Fourteenth and Fifteenth Centuries ").
1926. Marian J. Tooley, M.A. (" The Authorship of the *Defensor Pacis* ").
1927. W. A. Pantin, B.A. (" Chapters of the English Black Monks, 1215–1540 ").
1928. Gladys A. Thornton, B.A., Ph.D. (" A Study in the History of Clare, Suffolk, with special reference to its development as a Borough ").
1929. F. S. Rodkey, A.M., Ph.D. (" Lord Palmerston's Policy for the Re-juvenation of Turkey, 1839–47 ").
1930. A. A. Ettinger, D.Phil. (" The Proposed Anglo-Franco-American Treaty of 1852 to guarantee Cuba to Spain ").
1931. Kathleen A. Walpole, M.A. (" The Humanitarian Movement of the Early Nineteenth Century to Remedy Abuses on Emigrant Vessels to America ").
1932. Dorothy M. Brodie, B.A. (" Edmund Dudley, Minister of Henry VII ").
1933. R. W. Southern, B.A. (" Ranulf Flambard and Early Anglo-Norman Administration ").
1934. S. B. Chrimes, M.A., Ph.D. (" Sir John Fortescue and his Theory of Dominion ").
1935. S. T. Bindoff, M.A. (" The Unreformed Diplomatic Service, 1812–60 ").
1936. Rosamond J. Mitchell, M.A., B.Litt. (" English Students at Padua, 1460–1475 ").
1937. C. H. Philips, B.A. (" The East India Company ' Interest,' and the English Government, 1783–4 ").
1938. H. E. I. Phillips, B.A. (" The Last Years of the Court of Star Chamber, 1630–41 ").

1939. Hilda P. Grieve, B.A. ("The Deprived Married Clergy in Essex, 1553–61").
1940. R. Somerville, M.A. ("The Duchy of Lancaster Council and Court of Duchy Chamber").
1941. R. A. L. Smith, M.A., Ph.D. ("The *Regimen Scaccarii* in English Monasteries").

DAVID BERRY PRIZE

The David Berry Prize was established in 1929 by David Anderson-Berry in memory of his father, the Reverend David Berry. It consists of a Gold Medal and Money Prize awarded every three years for Scottish History. Candidates may select any subject dealing with Scottish History within the reigns of James I to James VI inclusive, provided such subject has been previously submitted to and approved by the Council of the Royal Historical Society. The Essay must be a genuine work of original research not hitherto published, and one which has not been awarded any other prize. There is no limit to the length of the Essay. It must be sent in on or before October 31, 1943.

PRIZE ESSAYIST, 1937 COMPETITION

G. Donaldson, M.A. ("The Polity of the Scottish Reformed Church, *c.* 1560–1580, on the Rise of the Presbyterian Movement").

ROYAL HISTORICAL SOCIETY.

(INCORPORATED BY ROYAL CHARTER.)

OFFICERS AND COUNCIL—1941–42.

Patron.

HIS MAJESTY THE KING.

President.

PROFESSOR F. M. STENTON, D.Litt., Litt.D., F.B.A.

Honorary Vice-Presidents.

PROFESSOR SIR RAYMOND BEAZLEY, J.P., D.Litt.
SIR REGINALD BLOMFIELD, R.A., D.Litt., Litt.D., F.S.A.
THE RIGHT HON. WINSTON S. CHURCHILL, C.H., M.P., F.R.S.
J. H. CLAPHAM, C.B.E., Litt.D., F.B.A.
G. P. GOOCH, C.H., D.Litt., Litt.D., F.B.A.
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THE RIGHT HON. THE EARL OF ILCHESTER, O.B.E.
A. G. LITTLE, D.Litt., Litt.D., F.B.A.
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PROFESSOR SIR CHARLES OMAN, K.B.E., D.C.L., LL.D., F.B.A., F.S.A.
A. F. POLLARD, D.Litt., D.Lit., Litt.D., F.B.A.
R. A. ROBERTS.
PROFESSOR G. M. TREVELYAN, O.M., C.B.E., D.C.L., LL.D., D.Litt., Litt.D., F.B.A.
PROFESSOR A. F. BASIL WILLIAMS, M.A., F.B.A.
PROFESSOR G. M. WRONG, LL.D.

Vice-Presidents.

PROFESSOR F. M. POWICKE, LL.D., Litt.D., F.B.A.
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Z. N. BROOKE, Litt.D., F.B.A.
MISS ROSE GRAHAM, C.B.E., D.Litt., F.S.A.
REV. J. M. THOMPSON, M.A.
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Birkenhead Public Library.
Birmingham Library, Margaret Street.
Public Libraries (Reference Library).
University.
Bolton Central Reference Library, Town Hall Square.
Bradford Public Library, Darley Street.
Brighton Public Library, Royal Pavilion.
Bristol Central Library.
University.

Cambridge, Girton College.
Newnham College.
Peterhouse.
St. Catharine's College.
St. John's College.
The Seeley Historical Library, The Old Schools.
University Library.
Canterbury, Dean and Chapter Library.
Cardiff Public Library.
Carlisle Public Library, Castle Street.
Cork, University College.

Downside Abbey, *see* Stratton-on-the-Fosse.
Dublin, King's Inns Library.
National Library of Ireland, Kildare Street.
Royal Irish Academy, 19 Dawson Street.
Trinity College.
Durham University.

Edinburgh, Signet Library.
National Library of Scotland.
Public Library.
University Library.
Englefield Green, Surrey, Royal Holloway College.
Exeter, University College.

Glasgow, Baillie's Institution, 153 West Regent Street.
Faculty of Procurators Library, 68 St. George's Place.
Mitchell Library.
University Library.
Gloucester Public Library, Brunswick Road.
Grimsby Public Library.

Hawarden, Flint, St. Deiniol's Library.

Leeds Library, Commercial Street, Leeds.
Public Library.
University.
Leicester Municipal Library, Wellington Street.
Lincoln, The County Library, Newland.
Liverpool, Athenæum, Church Alley.
Public Library.
University.
London, The Admiralty Library, S.W.1.
The Athenæum Club, Pall Mall, S.W.1.
Battersea Public Libraries, Lavender Hill, S.W.11.
Bedford College for Women, Regent's Park, N.W.1.
Birkbeck College, Bream's Buildings, Chancery Lane, W.C.2.
British Museum, W.C.1.
Chelsea Public Library, Manresa Road, S.W.3.
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House of Commons Library, S.W.1.
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Inner Temple Library, E.C.4.
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London School of Economics and Political Science, Houghton Street, Aldwych, W.C.2.
London University, Bloomsbury, W.C.1.
Middle Temple Library, E.C.4.
National Portrait Gallery, S.W.1.
Oxford and Cambridge University Club, 71 Pall Mall, S.W.1.

London, Public Record Office, Chancery Lane, W.C.2.
Reform Club, 104 Pall Mall, S.W.1.
Royal Holloway College, *see* Englefield Green.
Royal Institution, 21 Albemarle Street, W 1.
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United University Club, 1 Suffolk Street, S.W.1.
University College Library, Gower Street, W.C.1.
Westfield College Library, Hampstead, N.W.3.
Dr. Williams's Library, 14 Gordon Square, W.C.1.

Manchester, The John Rylands Library.
Public Libraries.
Middlesbrough Free Library, Municipal Buildings.
Mirfield, House of the Resurrection.

Newcastle-upon-Tyne Literary and Philosophical Society.
Public Library.
Newport (Mon.), Public Library.
Norwich, Norfolk and Norwich Library, Guildhall Hill.
Nottingham Public Reference Library.
University College.

Oldham, Union Street Library.
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Balliol College.
Bodleian Library.
Christ Church.
Exeter College.
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Merton College.
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Union Society.

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Sheffield Public Library.
University.
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Stafford, William Salt Public Library.
Stonyhurst College, Whalley, Lancs.
Stratton-on-the-Fosse, near Bath, Downside Abbey.
Swansea University College, Singleton Park.

Wigan Public Library.
Wimbledon Public Library, S.W.19.
Windsor, Royal Library, Windsor Castle.

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Yorkshire Architectural and Archæological Society, c/o Rev. Angelo Raine, Dringhouses, York.

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Adelaide (South Australia), Public Library.
University Library.
Allahabad (India), University Library.
Auckland (New Zealand), University Library.

Bombay (India), University Library.
Brisbane (Australia), Public Library.
University of Queensland Library.
Bulawayo, Rhodesia (South Africa), Public Library.

Canberra, A.C.T. (Australia), Commonwealth National Library.
Cape Town (South Africa), South African Library.
Colombo (Ceylon), Ceylon University College Library.

Giza, B. (Egypt), The Egyptian University Library, Orman Gardens.
Grahamstown (South Africa), Rhodes University College Library.

Halifax (Nova Scotia), Legislative Library.

Jerusalem (Palestine), Jewish National and University Library, P.O. Box 503.
Johannesburg (South Africa), Public Library.

Lahore (India), University of the Punjab Library.
London (Canada), University of Western Ontario Library.
Lucknow (India), Lucknow University College Library.

Melbourne (Australia), University Central Library.
Public Library.
Montreal (Canada), Civic Library, 1210 Sherbrooke Street E.
McGill University Library, 3459 McTavish Street.

Nagpur (India), University of Nagpur.

Ottawa (Canada), Library of Parliament.

Perth (West Australia), Public Library.
Pretoria (South Africa), State Library.

Sydney (Australia), Public Library, Parliament Buildings.
University Library.

Toronto (Canada), Legislative Library of Ontario, Parliament Buildings.
Public Library, College and St. George Street.

Valletta (Malta), The Royal Malta Library.
Vancouver (British Columbia, Canada), University of British Columbia Library.
Victoria (British Columbia, Canada), Provincial Library.

Wellington (New Zealand), General Assembly Library.
Victoria University Library.

FOREIGN COUNTRIES.

BELGIUM.

Brussels, Bibliothèque Royale.
Gand, Bibliothèque de l'Université, 2 Fosse d'Othon.

CHINA.

Peiping, The National Library (Periodical Division), Kunming, Yunnan.

CZECHO-SLOVAKIA.

Prague, University Library, 50 Princess Gate, Exhibition Road, S.W.7.

DENMARK.

Copenhagen, Kongelige Bibliothek.

FRANCE.

Paris, Bibliothèque Nationale.
Institut de France, 23 Quai de Conti.
Université de Paris.
Strasbourg, Bibliothèque Nationale et Universitaire, 6 Place de la République.

GERMANY.

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Bonn, Universitäts-Bibliothek.
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Göttingen, Universitäts-Bibliothek.
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Leipzig, Universitäts-Bibliothek.
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Würzburg, Universitäts-Bibliothek.

ITALY.

Rome, Biblioteca Apostolica Vaticana.

NORWAY.

Oslo, University Library.

POLAND.

Warsaw, Ministry of Foreign Affairs, 70 Queen's Gate, S.W.1.

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SWITZERLAND.

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Zürich, Zentral Bibliothek.

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Johns Hopkins University Library.
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Bethlehem (Pa.), Lehigh University Library.
Bloomington (Ind.), Indiana University Library.
Boston (Mass.), Athenæum Library.
Massachusetts Historical Society, 1154 Boylston Street.
New England Historic Genealogical Society, 9 Ashburton Place.
Public Library.
Brunswick (Me.), Bowdoin College Library.
Bryn Mawr (Pa.), Bryn Mawr College Library.
Buffalo (N.Y.), Grosvenor Public Library.

Cambridge (Mass.), Harvard University Library.
Harvard Law School Library.
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University Library (Order Section W. 21).

Cincinnati (Ohio), Public Library.
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Cleveland (Ohio), Public Library, 325 Superior Avenue, N.E.
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Public Library.
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Pennsylvania University Library.
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Rochester (N.Y.), The Rush Rees Library, University of Rochester.

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The Hon. Society of Cymmrodorion, 20 Bedford Square, W.C.1.
Surrey Archæological Society, Castle Arch, Guildford.
Jewish Historical Society, Mocatta Library, University College, Gower Street, W.C.1.
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HOLLAND.

Commissie van Advies voor Rijks Geschied-kundige Publicatien, The Hague.

Historisch Genootschap, Utrecht, c/o Bibliothèque de l'Université.

POLAND.

Société des Sciences et des Lettres de Varsovie, L'Université, Warsaw.

SPAIN.

Real Academia de la Historia, Calle del Leon 21, Madrid.

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Allgemeine Geschichtsforschende Gesellschaft der Schweiz. Stadt Biblio thek, Berne.

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New series, 1884–1906. Vols. I to XX.
Third series, 1907–1917. Vols. I to XI.
Fourth series, 1918–1942. Vols. I to XXIV.

* Vols. 1, 2, 3 and 9 of the Old series are out of print. Old series vols. 4, 5, 7, 10, and Third series, vol. 9, are only supplied by special leave of the Council. Others are supplied at the following rates: current number, 15s.; volumes of the New, Third, and Fourth series, 10s. each; volumes of the Old series, 7s. 6d. each. The earliest volumes of the *Transactions* were issued to Fellows in unbound parts. Any discrepancies in the lettering of bound volumes during these periods are doubtless due to this.

MISCELLANEOUS PUBLICATIONS.

Domesday commemoration. Notes on the manuscripts, etc., exhibited at the Public Record Office. 1886. 5s. (*Out of print.*)

Domesday studies. 2 vols. Edited by P. E. Dove. 1886. 24s. (*Out of print.*)

England and Napoleon in 1803 : being the despatches of Lord Whitworth and others. Edited by Oscar Browning. 1887. 7s. 6d. (*Out of print.*)

Walter of Henley's Husbandry, together with an anonymous Husbandry, Seneschaucie, and Robert Grosseteste's Rules. Edited by Elizabeth Lamond and the Rev. W. Cunningham. 1890. 12s.

Proceedings of the Gibbon commemoration, 1794–1894. 1895. 5s.

The Domesday of Inclosures, 1517–18. Edited by I. S. Leadam. 2 vols. 1897. 30s.

A bibliography of the historical works of Mandell Creighton, William Stubbs, S. R. Gardiner and John, Lord Acton. Edited by W. A. Shaw. 1903. 5s.

German opinion and German policy before the War. By G. W. Prothero. 1914. 4s.

Magna Carta commemoration essays. With preface by the Right Hon. Viscount Bryce. Edited by H. E. Malden. 1917. 25s.

* A repertory of British archives. Part I. England. Compiled by Hubert Hall. 1920. 10s. 6d.

A list and index of the Transactions and Publications of the Royal Historical Society (1869–1924) and of the Publications of the Camden Society (1840–1897). Edited by Hubert Hall. 1925. 5s.

BIBLIOGRAPHIES ISSUED IN CONJUNCTION WITH THE AMERICAN HISTORICAL ASSOCIATION.

Bibliography of British history : Tudor period, 1485–1603. Edited by Conyers Read. 1933. Oxford Univ. Press, 30s. (Special price, 20s. 9d.)

Bibliography of British history : Stuart period, 1603–1714. Edited by Godfrey Davies. 1928. Oxford Univ. Press, 21s. (Special price, 16s. 6d.)

Bibliography of British History : 1715–1789. Edited by D. J. Medley and S. M. Pargellis. (*In preparation.*)

ANNUAL BIBLIOGRAPHIES.

Writings on British history, 1934. Compiled by A. T. Milne. 1937. London, Jonathan Cape, 12s. 6d. (Special price, 10s.)

Writings on British history, 1935. Compiled by A. T. Milne. 1939. London, Jonathan Cape, 12s. 6d. (Special price, 10s.)

Writings on British History, 1936. Compiled by A. T. Milne. 1940. London, Jonathan Cape. 12s. 6d. (Special price, 10s.)

Writings on British History, 1937. Compiled by A. T. Milne. London, Jonathan Cape. (*In preparation.*)

GUIDES AND HANDBOOKS.

1. Guide to English commercial statistics, 1696–1782. By G. N. Clark, with a catalogue of materials by Barbara M. Franks. 1938. 7s. 6d.

2. Handbook of British chronology. Edited by F. M. Powicke, with the assistance of Charles Johnson and W. J. Harte. 1939. 7s. 6d.
3. Medieval libraries of Great Britain, an index of surviving books. Edited by N. R. Ker. 1941. 7s. 6d.

Provisionally accepted for future publication :

Handbook of British currency. Edited by A. E. Feavearyear.

List and index of parliamentary papers, 1700–1800. Edited by E. Wagstaff and A. T. Milne.

Bibliography of medieval cartularies. Edited by W. A. Pantin.

PUBLICATIONS OF THE LATE CAMDEN SOCIETY, CONTINUED (FROM 1897) AS THE CAMDEN SERIES OF THE ROYAL HISTORICAL SOCIETY.†

OLD SERIES.

*1. Historie of the arrivall of Edward IV in England and the final recoverye of his kingdomes from Henry VI (1471). Edited by J. Bruce. 1838.

*2. Kynge Johan. A play in two parts. By John Bale. Edited by J. P. Collier. 1838.

*3. Alliterative poem on the deposition of Richard II ; Ricardi Maydiston de Concordia inter Ric. II et civitatem London. Edited by T. Wright. 1838.

*4. Plumpton correspondence. Letters written in the reigns of Edward IV, Richard III, Henry VII, and Henry VIII. Edited by T. Stapleton. 1839.

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*6. The political songs of England, from the reign of John to Edward II. Edited and translated by T. Wright. 1839.

*7. Annals of the first four years of the reign of Queen Elizabeth, by Sir J. Hayward. Edited by J. Bruce. 1840.

8. Ecclesiastical documents : 1. A brief history of the bishoprick of Somerset from its foundation to 1174. 2. Charters from the library of Dr. Cox Macro. Published by the Rev. J. Hunter. 1840.

*9. Speculi Britanniæ Pars : an historical and geographical description of the county of Essex, by John Norden, 1594. Edited by Sir H. Ellis. 1840.

*10. A Chronicle of the first thirteen years of the reign of Edward IV, by John Warkworth, D.D. Edited by J. O. Halliwell. 1839.

*11. Kemp's nine daies wonder : performed in a daunce from London to Norwich. Edited by Rev. A. Dyce. 1840.

*12. The Egerton papers, temp. Elizabeth and James I. Edited by J. P. Collier. 1840.

† Of volumes marked with an asterisk but a few copies remain, and these are only supplied by special leave of the Council. Others may be had at the following prices : Old series, from 6s. ; New series, from 7s. 6d. ; Third series, from 10s. (*British diplomatic instructions*, 17s. 6d. each) ; current volumes, 15s. each.

*13. Chronica Jocelini de Brakelonda, de rebus gestis Samsonis abbatis monasterii Sancti Edmundi. Edited by J. G. Rokewode. 1840.

*14. Narratives illustrative of the contests in Ireland in 1641 and 1690. Edited by T. C. Croker. 1841.

*15. The chronicle of William de Rishanger, of the Barons' Wars. The miracles of Simon de Montfort. Edited by J. O. Halliwell. 1840.

*16. The Latin poems commonly attributed to Walter Mapes. Edited by T. Wright. 1841.

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